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UNITED STATES OF AMERICA.

U. S. 7th Cong, 2d sess., 1802-1803. Senate.

MISSISSIPPI QUESTION.

REPORT

OF

A DEBATE

IN THE

Senate of the United States,

ON THE 23d, 24th, & 25th FEBRUARY, 1803,

ON

CERTAIN RESOLUTIONS

CONCERNING THE

VIOLATION OF THE RIGHT OF DEPOSIT

IN THE

ISLAND OF NEW ORLEANS.

By WILLIAM DUANE.

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Philadelphia:

PRINTED BY W. DUANE, 106, HIGH STREET.

1803.

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District of Pennsylvania, to wit:

BE IT REMEMBERED, That on the first day of June, in the twenty-seventh year of the Independence of the United States of America, William Duane, of the said district, hath deposited in this office the title of a book, the right whereof he claims as proprietor, in the words following, to wit:

"Mississippi Question. Report of a Debate in "the Senate of the United States, on the 23d 24th, "and 25th February, 1803, on certain resolutions "concerning the violation of the right of deposit in "the island of New Orleans. By William Duane."

In conformity to the act of Congress of the United States, intituled "An Act for the encouragement of learning, by securing the copies of maps, charts, and books to the authors and proprietors of such copies during the times therein mentioned"—and also an act entitled an act supplementary to an act entitled "An act for the encouragement of learning, by securing the copies of maps, charts and books to the authors and proprietors of such copies during the times therein mentioned," and extending the benefits thereof to the arts of designing, engraving, and etching historical and other prints."

(L. S.) D. CALDWELL, Clerk
of the District of Pennsylvania.

DEBATE

ON THE

Mississippi Transactions.

SENATE OF THE UNITED STATES.

MONDAY, FEBRUARY 14th, 1803.

THE Senate had been engaged in legislative business for some time....Mr. Ross rose after this business had been concluded, to present certain resolutions for their consideration, of which he had given notice on a former day....and spoke as follows :

Mr. Ross said, that although he came from a part of the country where the late events upon the Mississippi had excited great alarm and solicitude ; he had hitherto forborne the expression of his sentiments, or to bring forward any measure relative to the unjustifiable, oppressive conduct of the officers of the Spanish government at New Orleans. He had waited thus long in the hope that some person, more likely than himself to conciliate and unite the opinions of a majority of the senate, would have offered efficacious measures for their consideration. But seeing the session now drawing to a close, without any such proposition, he could not reconcile a longer silence, either to his own sense of propriety, or to the duty he owed to his constituents. He would

not consent to go home without making one effort, however feeble or unsuccessful, to avert the calamity which threatened the western country. Present appearances, he confessed, but little justified the hope, that any thing he might propose would be adopted; yet it would at least afford him some consolation hereafter, that he had done his duty when the storm was approaching, by warning those who had power in their hands of the means which ought to be employed to resist it.

He was fully aware that the executive of the United States had acted: that he had sent an envoy extraordinary to Europe. This was the peculiar province, and perhaps the duty of the President. He would not say that it was unwise in this state of our affairs to prepare for remonstrance and negociation, much less was he then about to propose any measure that would thwart negociation, or embarrass the President. On the other hand, he was convinced that more than negociation was absolutely necessary, that more power and more means ought to be given to the President, in order to render his negociations efficacious. Could the President proceed further, even if he thought more vigorous measures proper and expedient? Was it in his power to repel and punish the indignity put upon the nation? Could he use the public force to redress our wrongs? Certainly not. This must be the act of Congress. They are now to judge of ulterior measures. They must give the power, and vote the means to vindicate, in a becoming manner, the wounded honor and the best interests of the country.

Mr. R. said he held in his hands certain resolutions for that purpose, and before he offered them to the senate, he would very fully explain his reasons for bringing them forward and pressing them with earnestness, as the best system the United States could now pursue.

It was certainly unnecessary to waste the time of that body in stating that we had a solemn explicit treaty with Spain; that this treaty had been wantonly and unprovokedly violated, not only in what related to the Mississippi, but by the most flagrant, destructive spoliations of our commerce on every part of the ocean, where Spanish armed vessels met the American flag. These spoliations were of immense magnitude, and demanded the most serious notice of our government. They had been followed by an indignity and a direct infraction of our treaty relative to the Mississippi, which bore an aspect not to be dissembled or mistaken.

To the free navigation of that river we had an undoubted right from nature, and from the position of our western country. This right, and the right of deposit in the island of New Orleans, had been solemnly acknowleged and fixed by treaty in 1795. That treaty had been in actual operation and execution for many years....and now without any pretence of abuse or violation on our part, the officers of the Spanish government deny the right, refuse the place of deposit, and add the most offensive of all insults, by forbidding us from landing on any part of their territory ;—and shutting us out as a common nuisance.

By whom has this outrage been offered? By those who have constantly acknowleged our right, and now tell us that they are no longer owners of the country! They have given it away....and because they have no longer a right themselves, therefore they turn us out, who have an undoubted right! Such an insult, such unprovoked malignity of conduct, no nation but this would affect to mistake. And yet we not only hesitate as to the course which interest and honor call us to pursue, but we bear it with patience, tameness, and apparent unconcern.

Sir, said Mr. R. whom does this infraction of the treaty and the natural rights of this country most intimately affect? If the wound inflicted on national honor be not sensibly felt by the whole nation, is there not a large portion of your citizens exposed to immediate ruin by a continuance of this state of things? The calamity lights upon all those who live upon the western waters. More than half a million of your citizens are by this cut off from a market. What would be the language, what would be the feelings of gentlemen in this house, were such an indignity offered on the Atlantic coast? What would they say if the Chesapeake, the Delaware, or the bay of New York were shut up, and all egress prohibited by a foreign power? And yet none of these waters embrace the interests of so many as the Mississippi. The numbers and the property affected by shutting this river, is greater than any thing that could follow by the blockade of a river on the Atlantic coast. Every part of the union was equally entitled to protection, and no good reason could be offered why one part should be less attended to than another.

In the last year, goods to more than the value of two millions of dollars, had been carried into the western country. These goods were purchased on credit. The con-

sumption of that merchandize afforded a revenue to our treasury of more than three hundred thousand dollars. The sale of western public lands was counted upon as producing half a million of dollars annually. Large arrearages of internal taxes were due from that country. The people had just emerged from an Indian war. They had overcome the most frightful obstructions which ever presented themselves in the settlement of a new country, and although yet in their infancy, we might promise ourselves an honorable and a vigorous manhood, if they were protected, as we had led them to expect....after a little while their strength and faculty of self preservation would be complete. Certainly they yet needed the kind fostering hand of their parent states. But if that be now withdrawn, where is the revenue on which to calculate? How can they pay for your lands? How can they discharge the arrearages of taxes? How can they pay your merchants in Baltimore or Philadelphia? They cannot go to market....They have no resources but the produce of their farms. You suffer the Spaniards to lock them up. You tell them that their crops may, nay must rot on their hands, and yet they must pay you their debts and taxes.....Is this justice? Will it be submitted to? These men bought your lands in confidence that the Spanish treaty would be maintained....all sales since the date of the treaty.... now you suffer wanton violation of it without making an effort to remove the obstruction, and yet tell them they must pay you! This cannot be expected. It would not be the rule between honest individuals, for the seller of an estate suffering an eviction of the purchaser when he might and could prevent it, would not be permitted to recover the purchase money.

If it comports with your calculation of interest or convenience, to submit tamely to this outrage, and to witness the ruin of one part of your country for the sake of peace in the residue, surely your ideas of peace will compel you to absolve the western people from all obligation to repay what it would ruin them to advance. Will you prosecute them in your courts? Will you sell their little all by your public officers? Will you not be content with the loss of all the lively hopes that they had entertained of gaining a new fortune, and another name in the wild but auspicious new countries of the west? Is it not enough that their day is darkening and closing at noon? Surely it cannot he thought reasonable to

exact an impossibility. It is undeniable that in their ruin, many of your merchants on the Atlantic coast will be inevitably involved. Great as this evil may be, (and certainly it is of immense magnitude,) yet the loss of the affections of a whole people, the destruction of an enterprize of hope, and of industry, through all the western world, is infinitely greater.

It may be said that this is an overcharged description of the evil side of our affairs, without offering any remedy.

Mr. R. said, that was far from his intention, and he would now examine that subject, because to his mind the remedy was obvious.

The experience of all time has proved that with nations, as well as with individuals, submission to aggression and insult, uniformly invites a repetition and aggravation of the mischief. To repel at the onset is more easy, as well as more honorable to the injured party.

Fortunately for this country, there could be no doubt in the present case....our national right had been acknowleged, and solemnly secured by treaty. The treaty had been long in a state of execution. It was violated and denied without provocation or apology. The treaty then was no security. This evident right was one, the security of which ought not to be precarious; it was indispensible that the enjoyment of it should be placed beyond all doubt. He declared it therefore to be his firm and mature opinion, that so important a right would never be secure, while the mouth of the Mississippi was exclusively in the hands of the Spaniards. Caprice and enmity occasion constant interruption. From the very position of our country, from its geographical shape, from motives of complete independence, the command of the navigation of the river ought to be in our hands.

We are now wantonly provoked to take it. Hostility in its most offensive shape has been offered by those who disclaim all right to the soil and the sovereignty of that country....an hostility fatal to the happiness of the western world....why not seize then what is so essential to us as a nation? Why not expel the wrongdoers? Wrongdoers by their own confession, to whom by a seizure we are doing no injury. Paper contracts or treaties, have proved too feeble. Plant yourselves on the river, fortify the banks, invite those who have an interest at stake to defend it....do justice to yourselves when your adversaries deny it....and leave the event to him who controls the fate of nations.

Why submit to a tardy, uncertain negociation, as the only means of regaining what you have lost....a negociation with those who have wronged you....with those who declare they have no right, at the moment they deprive you of yours? When in possession, you will negociate with more advantage. You will then be in a condition to keep others out. You will be in the actual exercise of jurisdiction over all your claims :.... Your people will have the benefits of a lawful commerce. When your determination is known, you will make an easy and an honorable accommodation with any other claimant. The present possessors have no pretence to complain, for they have no right to the country by their own confession. The western people will discover that you are making every effort they could desire for their protection. They will ardently support you in the contest, if a contest becomes necessary. Their all will be at stake, and neither their zeal nor their courage need be doubted.

Look at the memorial from the legislature of the Mississippi territory, now on your table....That speaks a language and displays a spirit not to be mistaken. Their lives and fortunes are pledged to support you. The same may with equal truth be asserted of Kentucky, Tennessee, and the western people of Virginia and Pennsylvania. Is this a spirit to be repressed or put asleep by negociation? If you suffer it to be extinguished, can you recal it in the hour of distress when you want it? After negociation shall have failed, after a powerful, ambitious nation shall have taken possession of the key of your western country, and fortified it....after the garrisons are filled by the veterans who have conquered the east, will you have it in your power to awake the generous spirit of that country and dispossess them. No ....Their confidence in such rules will be gone....They will be disheartened, divided, and will place no further dependence upon you. They must abandon those who lost the precious moment of seizing, and forever securing their sole hope of subsistence and prosperity....they must then from necessity, make the best bargain they can with the conquerer.

It may be added, that the possession of the country on the east bank of the Mississippi, will give compactness, and irresistible strength to the United States; and in all future European wars, we shall be more courted and respected, than we can ever hope to be without it....on that score therefore, our security will be increased by this measure.

Suppose that this course be not now pursued. Let me warn gentlemen how they trifle with the feelings, the hopes and the fears of such a body of men, who inhabit the western waters. Let every honorable man put the question to himself; how would half a million round him be affected by such a calamity, and no prompt measures taken by the government to redress it....These men have arms in their hands; the same arms with which they proved victorious over their savage neighbors. They have a daring spirit.... they have ample means of subsistence; and they have men disposed to lead them on to revenge their wrongs. Are you certain that they will wait the end of negociation? When they hear that nothing has been done for their immediate relief, they will probably take their resolution and act. Indeed, from all we have heard, there is great reason to believe that they will, or that they may have already taken that resolution.

They know the nature of the obstruction....they know the weakness of the country. They are sure of present success....and they have a bold river to bear them forward to the place of action. They only want a leader to conduct them, and it would be strange, if with such means and such a spirit, a leader should not soon present himself.

Suppose they do go, and do chase away the present oppressors, and that in the end, they are overpowered and defeated by a stronger foe than the present feeble possessors. They will never return to you, for you cannot protect them. They will make the best compromise they can with the power commanding the mouth of the river, who in effect, has thereby the command of their fortunes. Will such a bargain be of light or trivial moment to the Atlantic states. Bonaparte will then say to you, my French West India colonies, and those of my allies, can be supplied from my colony of Louisiana, with flour, pork, beef, lumber, and any other necessary. These articles can be carried by my own ships, navigated by my own sailors. If you, on the Atlantic coast wish to trade with my colonies in those articles, you must pay fifteen or twenty per cent. of an impost. We want no further supplies from you, and revenue to France must be the condition of all future intercourse. What will you say to this? It will be vain to address your western brethren, and complain your commerce is ruined, your revenue dwindles, and your condition is desperate. They will reply that you came not to their assistance in the only moment you

could have saved them....that you balanced between national honor and sordid interest, and suffered them to be borne down and subdued, at a time when for a trifle you could have secured the Mississippi ; that now their interest must be consulted, and it forbade any assistance to you, when following in the same train of ruin which had overwhelmed them. If the evil does not immediately proceed the full length of disunion, yet the strength, the unity of exertion, the union of interest will be gone. We are no longer one people, and representatives from that part of the country in our public councils, will partake of the spirit and breathe the sentiments of a distinct nation ; they will rob you of your public lands ; they will not submit to taxes ; they will form a girdle round the southern states, which may be denominated a foreign yoke, and render the situation of that country very precarious as to its peace and past connexions. Indeed, every aspect of such a state of things is gloomy, and alarming to men who take the trouble of reflecting upon it.

But sir, said Mr. R. I have heard it suggested that another mode has been contemplated for getting rid of this crisis in our affairs. If we remain perfectly quiet and passive, shew no symptoms of uneasiness or discontent ; if we give no offence to the new and probable masters of the Mississippi ; may be they will sell ! ! To me it is utterly incredible, that such an effect would flow from such a conduct. They might possibly sell if they found us armed ; in possession, and resolved to maintain it. They would see that even conquest would be a hard bargain, of so distant a country : our possession would be evidences of a fixed resolution....But when we have no army, no military preparation, no semblance of resistance, what would induce them to sell ? Sell, sir ! for how much ? Why sir, although there is no information before this house, of any terms, yet I have seen it stated in the newspapers, that those who now pretend to claim that country may be persuaded to sell, by giving two million of dollars to certain influential persons about the court————

Here Mr. Wright, of Maryland, called Mr. Ross to order, and said that he thought it improper to debate upon confidential information which, in his opinion, should be kept secret.*

* Resolution of Senate, 22d Dec. 1800.——Resolved, That all confidential communications made by the President of the United States to the

Mr. R. denied that there was any confidential information in that house.

The VICE PRESIDENT said there was no confidential information before the senate, that he recollected, and that he perceived nothing improper or out of order in what had been said.

Mr. NICHOLAS said he hoped the galleries would be cleared. It appeared to him that the gentleman was about to discuss points of a confidential nature.

Mr. Ross hoped not....and would give his reasons.

Mr. NICHOLAS objected, that it would not be in order for the gentleman to give his reasons.

Mr. Ross. I will never speak upon this subject, sir, with closed doors. The moment you shut your doors I cease....and when they are opened I will proceed. There is nothing of a secret or confidential nature in what I have to say. Mr. Ross concluded by calling for the *yeas* and *nays*, upon the question of closing the doors.

Mr. WRIGHT read one of the rules of the Senate, to shew that a vote was not necessary for closing the doors.†

Mr. WELLS enquired whether it was in order to interrupt a gentleman while speaking, and to make a motion while he was in possession of the floor.

The VICE PRESIDENT thought that in such a case, where a senator thought that the subject required secrecy, it might be done. The doors must be closed at the request of any Senator, and afterwards the Senate would determine by vote, whether or not the business should proceed with closed doors. He then ordered the galleries and lobby to be cleared. The doors remained closed for some time, when they were again opened, and the Senate adjourned.

Senate, shall be, by the members thereof, kept inviolably secret; and that all treaties, which may hereafter be laid before the Senate, shall also be kept secret, until the Senate shall, by their resolution, take off the injunction of secrecy.——*Journals of Senate*, 1800—*Jefferson's Manuel, sec.* 52.

† Of right the house ought not to be shut, but to be kept by porters or serjeants at arms, assigned for that purpose.——*Mod. Ten. Parl.*

By the rules of the Senate, on motion made and seconded to shut the doors of the Senate on the discussion of any business, which may in the opinion of the member require secrecy, the President shall direct the gallery to be cleared, and during the discussion of such motion the doors shall remain shut.——*Rule* 28—*Jefferson's Manuel, sec.* 18.

Tuesday, February 15.

Upon reading the minutes of the preceding day, the following entry was found to have been made by the Secretary :

'Mr. Ross stated in his place, that he had several reso-'lutions to submit to the consideration of the Senate, on the 'infraction of the treaty by the government of Spain, in 'withholding the right, from the citizens of the United 'States, to deposit their produce in the Spanish territories ; 'upon which, while he was proceeding in some introductory 'observations....

'On motion made and seconded, the galleries were 'cleared, and the doors were shut.'

The above entry on the minutes, Mr. Clinton of New York, moved to strike out, and the motion was carried.

After some of the ordinary legislative business of the Senate had been dispatched, Mr. Nicholas moved that the galleries be cleared, and the doors of the Senate were closed till two o'clock. They were then opened, and the Senate adjourned.

Wednesday, February 16.

At one o'clock the doors of the Senate were opened, and in a few minutes afterwards

Mr. Ross rose and said, That two days ago he had the honor of stating some of his opinions to the Senate respecting the alarming condition of our affairs upon the Mississippi.—That in a very interesting part of his enquiry he had been called to order :—That the Vice President had expressly determined him to have been in order, and also declared that there was no confidential information before the Senate relating to the late aggressions upon our rights in the Mississippi :....Yet notwithstanding this declaration of the Vice President, as explicit as it was correct, Mr. R. said, the doors were actually closed and all further public discussions at that time prohibited....Yesterday the doors were again closed....He said it would be well recollected, that when this extraordinary measure was resorted to, he had given notice that he would not proceed further in the discussion, while the doors were shut, and that he would resume it whenever they should be opened. From that time to the present he had remained silent, but now, when a

majority of the Senate had resolved that this discussion should be public, he would proceed to finish the remarks he had intended to make, and then offer his resolutions. He could not, however, avoid expressing his acknowlegements to the majority of that body, who had decided that this debate should be public, for although some gentlemen might be desirous to stifle, and smother in secrecy, an inquiry like the present, he firmly believed that there would always be firmness and independence enough in that house to meet in public the investigation of every subject proper for public deliberation.

Mr. R. said he would not return to a repetition of what he had formerly stated, it would be sufficient to mention, that he had urged the importance of our rights in the navigation of the Mississippi founded in nature, and acknowledged by compact: This was the great and only highway of commerce from the western country to the ocean;.... That the Spaniards after a long execution of this treaty, have now flagrantly violated it, and shut us out from all intercourse, and from the right of deposit;....That they have plundered our citizens upon the ocean; carried our vessels into their ports and condemned them without the semblance of a trial:....Our seamen have been cast into prison, and our merchants ruined:....Thus assailed upon the ocean, and upon the land by a long course of oppression and hostility, without provocation and without apology, he knew but one course we could take which promised complete redress of our wrongs: experience had proved, that compact was no security, the Spaniards either cannot or will not observe their treaty. If they are under the direction of a stronger power who will not permit them to adhere to their stipulations, or if they of their own accord inflict these indignities under a belief that we dare not resent them, it was equally incumbent upon us to act without farther delay. The aggressors are heaping indignity upon you at your own door, at the very borders of your territory, and tell you, at the same time, they have no right to the country from whence they exclude you ....If they act thus without right, why not enforce yours by taking possession? Will you submit to be taken by the neck and kicked out without a struggle? Was there not spirit enough in the country to repel and punish such unheard of insolence? Is not the magnitude of the interest at stake, such as to warrant the most vigorous and decisive course which can express public indignation? Go then, take the

guardianship of your rights upon yourselves, trust it no longer to those who have so grossly abused the power they have had over it....reinstate yourselves in the possession of that which has been wrested from you and withheld by faithless men, who confess themselves no longer the owners of the country over which they are exercising these acts of injustice and outrage. Negociation may, perhaps, be wise, but this is the effectual measure to support it; when it is seen that you have determined to support your just demands with force....that you have already taken into your hands an ample pledge for future security and good behaviour, your ambassador will be respected and attended to. But what weight will his remonstrances have in any country of Europe, when they hear of no military preparations to vindicate your pretensions, when they learn that you have been chased out of a possession confessedly your right, that you have been insultingly told, begone, you shall not buy, you shall not sell, you are such a nuisance we will have no intercourse with you!

Where is the nation, ancient or modern, that has borne such treatment without resentment or resistance! Where is the nation that will respect another that is passive under such humiliating degradation and disgrace? Your outlet to market closed....next they will trample you under foot upon your own territory which borders upon theirs! Yet you will not stir, you will not arm a single man; you will negociate! Negociation alone under such circumstances must be hopeless....No....Go forward, remove the aggressors, clear away the obstructions, restore your possession with your own hand, and use your sword if resistance be offered....Call upon those who are most injured, to redress themselves; you have only to give the call, you have men enough near to the scene, without sending a man from this side the mountains; force sufficient, and more than sufficient, for a prompt execution of your orders....If money be an object; one half of the money which would be consumed and lost by delay and negociation, would put you in possession....Then you may negociate whether you shall abandon it and go out again.

You may also then negociate as to compensation for the spoliations upon your trade. You will have ample funds in your own hands to pay your merchants, if the Spaniards continue their refusal to pay. You will have lands to give, which they will readily accept and assist in defending. In this way they may all be indemnified; by negociation there is little hope that they ever will.

It may be said that the executive is pursuing another and a very different course. The executive will certainly pursue the course designated by the legislature. To the congress has been confided the power of deciding what shall be done in all cases of hostility by foreign powers. There can be no doubt that by the law of nature and nations, we are clearly authorised to employ force for our redress in such a case as this:....That we have a just right to take such measures as will prevent a repetition of the mischief, and afford ample security for the future quiet enjoyment of the violated right. If we leave it entirely to the executive, he can only employ negociation, as being the sole means in his power.... If the right be not abandoned what is to be done? I know, said Mr. R. that some gentlemen think there is a mode of accomplishing our object, of which, by a most extraordinary proceeding, I am forbidden to speak on this occasion, I will not, therefore, touch it....But I will ask honorable gentlemen, especially those from the western country, what they will say on their return home to a people pressed by the heavy hand of this calamity....when they enquire....What has been done? What are our hopes? How long will this obstruction continue? You answer....we have provided a remedy, but it is a secret! We are not allowed to speak of it there, much less here....it was only committed to confidential men in whispers, with closed doors: but by and bye, you will see it operate like enchantment....it is sovereign balsam which will heal your wounded honor, it is a potent spell, or a kind of patent medicine which will extinguish and forever put at rest the devouring spirit which has desolated so many nations of Europe. You never can know exactly what it is; nor can we tell you precisely the time it will begin to operate.... but operate it certainly will, and effectually too! You will see strange things by and bye....wait patiently, and place full faith in us, for we cannot be mistaken.

This idle tale may amuse children. But the *men* of that country will not be satisfied. They will tell you that they expected better things of you, that their confidence has been misplaced, and will not wait the operation of your newly invented drugs; they will go and redress themselves.

I say also, let us go and redress ourselves; you will have the whole nation with you. On no question since the declaration of independence, has the nation been so unanimous as upon this. We have at different times suffered great indignity and outrages from different European powers; but none so palpable, so inexcusable, so provoking, or of such

magnitude in their consequences as this. Upon none has public opinion united so generally as this. It is true we have a lamentable divison of political opinion among us, which has produced much mischief, and may produce much greater than any we have yet felt. On this question, party spirit ought to sink and disappear. My opinions are well known, and are not likely to change; but I candidly, and with all possible sincerty, declare my conviction to be clear, that there will not be a dissenting voice in the western country if this course be taken: that so far as my own abilities go, they shall be exerted to the utmost to support it; and I know that my friends on this floor with whom I have long thought and acted, have too high a regard for the national honor, and the best interests of their country, to hesitate a moment giving the same pledge of their honest determination to support and render these measures effectual, if taken; call them ours; if you please, we take the responsibility, and leave the execution of them with you. For as to myself or my friends, no agency is wished, except that of uniting with you in rousing the spirit, and calling out the resources of the country, to protect itself against serious aggression, and the total subjection and loss of the western country.

If you pursue this advice, and act promptly and boldly upon it; if you take possession, and prepare to maintain it: from the very unanimity displayed, you will have no war.... you will meet with no resistance. Indeed, a war may be said to be already begun, for hostility of the worst kind, on one side has been long in practice upon us, and our retaliation or resistance will be justified on every principle which has governed the conduct of nations. If the Spaniards resist you in taking possession of what by treaty they have acknowleged to be yours, and what they now confess does not belong to them....the war certainly begins with them. Under all these circumstances, with these offers of support, could gentlemen doubt, could they venture to cry peace, peace, when there was no peace, but a sword!

Mr. R. entreated gentlemen to view and consider his proposed resolutions with candor. He declared his intentions to be solely the attainment of an object, the loss of which would destroy the country where he resided, and hazard the union itself. If gentlemen thought the proposed means inadequate, he would agree to enlarge them with cheerfulness; all that he wished was that effectual means be voted and employed in this golden moment, which if lost, never would return.

He said he would delay the senate no longer than to present his resolutions, and give notice that he would move to have them printed, and made the order of the day for some future day....For, as gentlemen had consented that this business should be no longer a secret, they would now become the subject of ample and able discussion.

Mr. R. then read his resolutions, which appear under the head of Wednesday, the 23d.

After reading the resolutions, Mr. Ross said, I will now move these resolutions, and if gentlemen on the other side shall be disposed to give to the President greater power, I will cheerfully join them in extending it as far as they may think necessary to the accomplishment of the object.

Mr. Wells rose and seconded the motion.

Mr. Ross moved that the consideration of the resolutions be the order for Monday.

Mr. Nicholas rose and said he wished to make one or two observations in reply to————

The Vice President interrupted him, and said that if those observations were intended to apply to the question whether the resolutions should be the order for Monday, they would be proper, otherwise they would not be in order.

Mr. Nicholas said he did not wish to go into any discussion of the merits of the resolutions. He merely wished to remark, that the course pursued by the gentleman upon this occasion was altogether new and extraordinary. I presume, said he, that the gentleman expects to derive some advantage from the adoption of this course. If so, he is quite welcome to any advantage which he can gain. I believe that the American people are too enlightened and too well informed to be deceived by any thing that has been said, or by the novel course which has been pursued. It is usual when any business of such importance is about to be introduced, to give some previous notice, in order that gentlemen may be prepared to discuss the subject. Why the gentleman has thought proper to depart from it in the present instance I cannot pretend to say. However, all that I think important to say at present is in reply to the assertion, that we are not informed of the intention of————

The Vice President again interrupted him, and said that the question before the Senate was, whether the resolution should be the order for Monday. Upon that question, no remarks in reply to the gentleman from Pennsylvania could be admitted. If gentlemen were disposed to discuss

the resolution, or to reply to any arguments which had been advanced by the mover, the regular method would be to negative the motion, and then the whole subject would again be open.

Mr. Ross said he did not wish to preclude any observations which any gentleman might be disposed to make, and if the gentleman from Virginia wished to reply to any thing which he had said, he would withdraw the motion, and give him an opportunity.

Mr. Nicholas said he had no wish upon the subject, and would say nothing more.

Mr. Wright said he hoped it would not be the order for Monday, and as the gentleman had been indulged with an opportunity of advancing his sentiments at large upon the subject, he presumed it would be in order for him to notice some of the most extraordinary of————

The Vice President said it would not be in order, unless the present motion was first negatived.

The question was then taken, and carried in the affirmative; and the Senate adjourned.

Monday, February 21.

The order of the day on Mr. Ross's resolutions wasthis day postponed on motion, to Wednesday, in consequence of the indisposition of general S. T. Mason, of Virginia.*

Wednesday, February 23.

The order of the day being the resolutions of Mr. Ross, laid on the table on the 16th inst. the order was called for.

The Vice President rose, and stated that he conceived it to be his duty to point out to the Senate a contradiction which appeared in their rules. The standing rules of the house declare that during debate...." *the doors shall* " *be open*"....by the 28th rule of the house, it is deiared, that " *on motion made and seconded, the gallery shall be cleared,* " *and the doors remain shut during the discussion.*" Between these two rules there was an embarrassing contradiction. He did not see the propriety of leaving it in the power of any two members to shut the doors, but as it lay in the discretion of the house to regulate its own proceedings, he

* *The foregoing part of the report is from the Washington Federalist, Mr. Ross's speech is furnished by himself, no report has been given of the replies.*

would submit it to the house in the form of a specific proposition ; and he hoped the house would decide upon it without debate. The following is the proposition :

" If during the debate, or any other time, a motion be " made and seconded to shut the doors, should the galleries " forthwith be cleared, and the doors shut without debate " or question ?"

Mr. COCKE said, if he understood the President right, he expected the Senate to decide upon this proposition without debate.

The VICE PRESIDENT replied in the affirmative.

Mr. COCKE said that he would not submit to give his vote, without the expression of his opinion, if he thought it proper, as well as the Vice President.

Mr. NICHOLAS. The officer, whoever he may be, that is appointed to expound the laws of that house, ought not, he has no right to go into a discussion of the propriety or impropriety of any rules laid down in the Senate....it was not orderly to do so. There can be no question on a rule at this time or in this form, and it amounts to a questioning of a right established, whether any member has, or has not a right to do as is enjoined by the rules. It cannot be denied that any member, on motion made and seconded, may have the galleries cleared and the doors shut, if he thinks the occasion calls for it.

Mr. DAYTON. Does the gentleman from Virginia mean to say that, *that* or any other rule can give a member the right of seating me in the midst of a discussion? If I act disorderly, the President has a right to call me to order, and he must decide whether I am in order or not. There is nothing in your rules which gives a member a right to seize upon the floor.

Mr. TRACY was of opinion, that the 28th rule carried the meaning which it expressed ; it was clear, that if he had a question to propose which required closed doors, he had a a right to call for the doors being shut ; but certainly the rule never contemplated that in so doing the floor should be seized upon in the midst of a speech or a debate. By the 16th rule, when a member is called to order, he is obliged to sit down. According to parliamentary proceeding, no one can take possession of the floor to the interruption of another, no one can stop another while he is speaking. If disorderly, the President will call him to order, but if called by a member, the President must decide, and if in order, he must

possess the floor. If any other course were pursued, the house would be constantly exposed to interruption by the petulance of any two of its members.

Mr. Baldwin. Gentlemen appear to mistake the principle of the rules in question, and the course of proceeding generally appears not to be kept perfectly in sight. Certainly the house is subject to interruption by other causes than points of order; an incident occurs almost every day, in which members are obliged to be seated in the midst of debate, such as messages from the executive, or from the other house. He had always entertained a very different opinion from that expressed by some gentlemen of the 28th rule. It was true it had the aspect of placing the house at the power of an individual. But if gentlemen would recur to the mode of proceeding which existed before, they would find that this was not an improper rule. For some time the proceedings of the Senate were altogether with closed doors, but this was not approved by the public, it was not wholesome, and after mature deliberation, it was determined that the doors should be opened *sub modo*, but that when there should appear to be reasonable occasion for shutting the doors, that it should be effected in the mode pointed out by the 28th rule. For it was considered that the mover and seconder of the motion, being of that body, would be sufficient pledges for a reasonable motive, and the Senate would afterwards have it in their power to determine upon the propriety of the motion itself, or to remove any injunction of secrecy, if they should think it proper so to do.

Mr. Tracy said, that the case of a message was not analagous, as the member could rise after it, and continue his speech.

Mr. Cocke said, that the rule was ceriainly the most correct mode of proceeding; for example, if a member attempts to speak with open doors on confidential business, and a member calls him to order, the very calling to order discloses what the confidential business is....Besides, in the other house there is an *appeal from the decision of the chair*, here it is arbitrary, and the President may decide as he pleases.

The Vice President had wished for a decision on this subject on various occasions, and looked to the house for it at this time.

Mr. Ross, in order to close the discussion, would move a rule for the present occasion....and it will put an end to this

delay, and not leave the house at the mercy of any two members....it is to this effect....*Resolved, that the discussion of this day shall be public.*

Mr. COCKE. The object of gentlemen is plain enough, they wish to impose an opinion upon the public that we are afraid or ashamed to let what we are doing be known to the people. Gentlemen would find themselves mistaken in their designs. He was always for the open and public discussion of all subjects, and for none more than the subject of the gentleman's resolutions; but he was opposed to the disclosure of any thing which might prove injurious to the country, by retarding or throwing difficulties in the way of negociations set on foot by the executive. Gentlemen wished to treat the people like little children, to hold out a scare-crow or a bug-bear to frighten them. But they would find that the people were not to be driven from their sober senses. He came from a part of the country which was greatly interested in this subject; and he knew the people were not such fools as the gentlemen would make them.... they will not believe that those who know them, and have taken the most effectual measures to procure safety and security for them, are plotting evil for them.

Mr. WRIGHT would move an amendment to the resolution (of Mr. Ross) *that no member, during debate, shall directly or indirectly disclose the secrets of the Senate.*

The VICE PRESIDENT wished to have the precise question resolved....whether two gentlemen have a right, at their pleasure, to close the doors of the Senate?

Mr. ANDERSON. Does the President mean, by again urging this question in this way, to suspend the resolution and the amendment just offered?....He hoped not!

The resolution and amendment were then put, and carried in the affirmative.

The VICE PRESIDENT then read Mr. Ross's original resolutions as follows:

1. *Resolved*, "That the United States have an indisputable right to the free navigation of the river Mississippi, and to a convenient place of deposit for their produce and merchandize in the island of New Orleans.

2. "That the late infraction of such their unquestionable right, is an aggression hostile to their honor and interest.

3. "That it does not consist with the dignity or safety of this union, to hold a right so important, by a tenure so uncertain.

4. " That it materially concerns such of the American citizens as dwell on the western waters ; and is essential to the union, strength, and prosperity of these states, that they obtain complete security for the full and peaceable enjoyment of such their absolute right.

5. " That the President be authorised to take immediate possession of such place or places, in the said island, or the adjacent territories, as he may deem fit and convenient, for the purposes aforesaid ; and to adopt such other measures for obtaining that complete security as to him, in his wisdom, shall seem meet.

6. " That he be authorised to call into actual service, any number of the militia of the states of South Carolina, Georgia, Ohio, Kentucky, Tennessee, or of the Mississippi territory, which he may think proper, not exceeding fifty thousand, and to employ them, together with the military and naval forces of the union, for effecting the objects above mentioned.

7. " That the sum of five millions of dollars be appropriated to the carrying into effect the foregoing resolutions ; and that the whole or any part of that sum be paid or applied on warrants drawn in pursuance of such directions as the President may, from time to time, think proper to give to the secretary of the treasury."

Whereupon,

Mr. White, of Delaware, rose. Mr. President, on this subject, which has on a former day been discussed with so much ability, and with such eloquence by my friend from Pennsylvania, the honorable mover of the resolutions, I shall submit the few observations I may make, in as concise a manner as I am capable of ; for it is very far from my wish to occupy the time, or attention of the Senate unnecessarily. The resolutions on your table I approve of in their full extent ; I believe they express the firm and manly tone that at this moment, is especially becoming the dignity of the government to assume ; I believe they mark out a system of measures, that, if promptly pursued, will be honorable to the nation, and equal to the accomplishment of the important object which gentlemen on all sides seem to have in view. These alone, with me, would be sufficient inducements to yield them my feeble support ;....but in addition to these, and to the thorough conviction of my own mind as to the course I ought to pursue, I have the happiness of being supported in my opinions on this subject, by the unequivo-

cal expression of the sentiment of the state, to which I have the honor to belong.

It was early seen, Mr. President, and required but little penetration to discover, that adventurers emigrating beyond the mountains, and settling on our western waters, must possess the free navigation of the Mississippi, it being their only outlet to the ocean. This important privilege it became necessary on the part of the government of the United States to secure by treaty, and not leave to the capricious will of whatever nation who might futurely hold the territory at the mouth of the river. Accordingly in the 4th and 22d articles of our treaty with Spain, I find on this subject the following stipulations :

" Article IV. It is likewise agreed that the western boundary of the United States, which separates them from the Spanish colony of Louisiana, is in the middle of the channel or bed of the river Mississippi, from the northern boundary of the said States, to the completion of the 31st degree of latitude north of the equator. And his Catholic Majesty has likewise agreed that the navigation of the said river, in its whole breadth from its source to the ocean, shall be free only to his subjects and the citizens of the United States, unless he should extend this privilege to the subjects of other powers by special convention."

" Art. XXII. The two high contracting parties, hoping that the good correspondence and friendship which happily reigns between them, will be further encreased by this treaty, and that it will contribute to augment their prosperity and opulence, will in future give to their mutual commerce all the extension and favor which the advantages of both countries may require.

" And in consequence of the stipulations contained in the fourth article, his Catholic Majesty will permit the citizens of the United States, for the space of three years from this time, *to deposit their merchandizes and effects in the port of New Orleans*, and to export them from thence without paying any other duty, than a fair price for the hire of the stores ....and his majesty promises either to continue this permission, if he finds, during that time, that it is not prejudicial to the interests of Spain, or if he should not agree to continue it there, he will assign to them, on another part of the banks of the Mississippi, an *equivalent establishment*."

This instrument, Mr. President, it is known, for a time quieted the fears and jealousies of our western brethren ;

they supposed it had removed forever the possibility of any future embarrassment to their commerce on those waters. And after it had been proclaimed as the law of the land, after it had been ratified by both nations, and become obligatory upon the faith and honor of each; who could have thought otherwise? Yet, sir, it has happened otherwise.... This place of deposit at New Orleans, secured to our citizens by the article last read, has been recently wrested from their hands by the authority of the Spanish government, and *no other equivalent* one assigned, where after more than two thousand miles of boat navigation, they may disembark their produce in order to be shipped for sea, and without this advantage the navigation of the river is to them but an empty name.

I have said by the authority of the Spanish government, it has indeed been given out to the world for reasons that every man may conjecture, and are unnecessary to be mentioned, that this was not the act of the government, but the rash measure of a single officer; the intendant general of the Spanish provinces....that the Spanish minister had issued orders for the speedy adjustment of these difficulties....had kindly offered to throw himself into the breach to prevent this intendant general from going to extremities with the government of the United States. Sir, gentlemen may find, when too late, that this is a mere piece of diplomatic policy, intended only to amuse them; and to say nothing of the humiliating idea of resorting to such a plaister for the wound that has been inflicted upon our national honor; if they had taken the trouble, they might have been informed that the Spanish minister near this government has no control at New Orleans....that the intendant general is, like himself, an immediate officer of the crown, and responsible only to the crown for his conduct. If the Spanish minister has interfered, which I am not disposed to question, to make the best of it, it could only have been by the intreaties of men in power, as a mere mediator, to beg of the intendant general of New Orleans, justice and peace on behalf of the people of the U. States. Are honorable gentlemen prepared to accept of peace on such terms?....They might do, sir, for a tribe of starving Indians; but is this the rank that we are to hold among the nations of the world? And it seems that even these supplicating advances are likely to avail us nothing; by accounts very lately received from New Orleans, by a private letter which I have seen since these resolutions were

submitted to the Senate, the intendant general has expressed much displeasure at the interference of the Spanish minister ....stating that it was not within his duty or his province, and that he, the intendant, acted not under Spanish but French orders.

As to the closing of the port of New Orleans against our citizens, the man who can now doubt, after viewing all the accompanying circumstances, that it was the deliberate act of the Spanish or French government, must have locked up his mind against truth and conviction, and be determined to discredit even the evidence of his own senses; but sir, it is not only the depriving us of our right of deposit by which we have been aggrieved, it is by a system of measures pursued antecedent and subsequent to that event, equally hostile and even more insulting. I have in my hand a paper, signed by a Spanish officer, which, with the indulgence of the chair, I will read to the Senate.

'ADVERTISEMENT.

" Under date of the 16th inst. (December,) the intendant general of these provinces tells me, that the citizens of the United States of America, can have no *commerce with his majesty's subjects*....they only having the free navigation of the river for the exportation of the fruits and produce of their establishments, to foreign countries, and the importation of what they may want from them. As such *I charge you, so far as respects you, to be zealous and vigilant, with particular care, that the inhabitants neither purchase or sell any thing to the shipping, flat bottomed boats, barges, or any other smaller vessels* that may go along the river destined for the American possessions, or proceeding from them, that they shall be informed of it, for their due compliance of the same."

(Signed) CARLOS DE GRANDPREE.

Baton Rouge, December 22, 1802.

The foregoing is a translation from the original, directed to me by his lordship, Carlos de Grandpree, col. of the royal armies, and governor of Baton Rouge.

(Signed) J. O. CONNER,

Cyndic of 4th district.

Baton Rouge, December 27, 1802."

These are the measures, Mr. President, that have been adopted ; these are the orders that have been issued by the intendant general, to every district of the Spanish provinces, prohibiting the subjects of his Catholic majesty from having any commerce, dealing, intercourse, or communion whatsoever with the citizens of the United States, excluding us from their shores for the distance of two hundred and seventy miles, treating us like a nation of pirates, or a banditti of robbers, who they feared to trust in their country ; and this day sir, if a vessel belonging to a citizen of the United States, engaged in a fair and legal trade, was upon the waters of the Mississippi, within the Spanish lines, and in a state of the most extreme distress, the Spaniard who should yield her aid or comfort, would do it at the peril of his life.

But why do we confine ourselves to the Mississippi, almost every part of the world furnishes us with causes of complaint against the Spaniards, scarcely a mail has arrived for a year past, that has not brought us some account of their outrages upon our commerce. They insult our national flag upon every sea where they meet it....they seize our merchantmen....they plunder our merchants of their property....they abuse our seamen....shackle them with chains, and consign them to dungeons....and yet honorable gentlemen cry out peace, peace, when there is no peace. If this be peace, God give us war ! And pray, Mr. President, what have we done to provoke all this? We have violated no treaty with his Catholic majesty, we have injured none of his subjects, we have depredated no where upon his commerce ; rather than offend him, when he has smitten us on one cheek, with Christian meekness, we have turned the other....he has made no complaint against us ; he has no cause of complaint....he does not even condescend to seek a justification for his conduct ; none could be found....but it originates in a deliberately formed system of insult and abuse, and he is proceeding, step by step, to ascertain how long the people of the United States will suffer themselves to be trampled upon with impunity. We have seen him on our lines, wantonly infract his solemn treaty, and his subjects are at this moment, under our very eyes, acting in open violation of its best provisions, by withholding from our citizens the all important right it guarantees to them of navigating freely the Mississippi....a right essential to their very existence as a people....a right that can never be aban-

doned by them, but with their lives; nor yielded by us, but with our national honor.

If it should be said, sir, that this important question will not long be an affair of controversy between the United States and Spain: that Louisiana, New Orleans, and this usurped claim of the Spanish government to the exclusive navigation of the Mississippi, will soon be found in other hands....that whenever we may have to negociate on this subject, either in the cabinet or the field, it will not be with his Catholic majesty, but with the first Consul; not with a king, but with the king of kings; I answer that in these insults to our national dignity, we at present know no power but Spain....whatever agency Bonaparte may have had in this business, he has been concealed from our view. It is Spain that has violated her plighted faith....it is Spain that has trampled upon the dearest interests of the United States, and insulted our government to our faces without the semblance of a cause, and she alone is responsible to us for these outrages. And, under such circumstances, is it becoming, politic, or honorable in us to treat her as a friend, and as a neighbor; to remonstrate with her on her acts of injustice, and wait till she shall add insult to insult, and heap injury upon injury; or what is perhaps even worse, if any thing worse than national degradation can befal an independent people, till this golden opportunity shall have passed away, and the facility of redress be wrested from our hands? No sir, we should now view her as our open enemy, as having declared war against us, and do justice to ourselves. We can never have permanent peace on our western waters, till we possess ourselves of New Orleans, and such other positions as may be necessary to give us the complete and absolute command of the navigation of the Mississippi....We have now such an opportunity of accomplishing this important object as may not be presented again in centuries, and every justification that could be wished, for availing ourselves of the opportunity. Spain has dared us to the trial, and now bids us defiance; she is yet in possession of that country, it is at this moment within your reach and within your power, it offers a sure and easy conquest; we should have to encounter there now, only a weak, inactive, and unenterprizing people; but how may a few months vary this scene, and darken our prospects: though not officially informed, we know that the Spanish provinces on the Mississippi have been ceded to the French, and that they will as

soon as possible take possession of them. What may we then expect? When in the last extremity we shall be driven to arms in defence of our indisputable rights....where now slumbers on his post with folded arms the sluggish Spaniard, we shall be hailed by the vigilant and alert French grenadier, and in the defenceless garrison that would now surrender at our approach, we shall see unfurled the standards that have waved triumphant in Italy, surrounded by impregnable ramparts, and defended by the disciplined veterans of Egypt.

I am willing, sir, to attribute to honorable gentlemen the best of motives, I am sure they do not wish to involve this country in a war, and God knows, I deprecate its horrors as much as any man; but this business can never be adjusted abroad....it will ultimately have to be settled upon the banks of the Mississippi, and the longer you delay, the more time you waste in tedious negociations, the greater sacrifices you make to protract a temporary and hollow peace, the greater will be your embarrassments when the war comes on, and it is inevitable, unless honorable gentlemen, opposed to us, are prepared to yield up the best interests and honor of the nation....I believe the only question, now in our power to decide, is whether it shall be the bloodless war of a few months, or the carnage of years.

These observations, Mr. President, are urged upon the supposition that it is in the power of the government to restrain the impetuosity of the western people, and to prevent their doing justice to themselves, which, by the bye, I beg to be understood as not believing, but expressly the contrary. They know their own strength....they know the feebleness of the enemy....they know the infinite importance of the stake, and they feel, permit me to say sir, with more than mere sensibility, the insults and injuries they have received; they are now all alive on this subject, and I believe will not submit, even for the approaching season, to their present ruinous and humiliating situation....You had as well pretend to dam up the mouth of the Mississippi, and say to its restless waves, ye shall cease here, and never mingle with the ocean, as to expect they will be prevented from descending it. Without the free use of the river, and the necessary advantages of deposit below our line, their fertile country is not worth possessing, their produce must be wasted in their fields, or rot in their granaries....these are rights not only guaranteed to them by treaty, but given to them by the God of nature, and they will enforce them with, or without the authority of the government; and let me ask,

sir, whether it is most dignified for the government to lead or follow in the path of honor; one it must do, or give up that western country. But, independent of these considerations, those people have other solid claims upon the government for immediate support. Under your auspices, and with the promise of your protection, at the hazard of their lives, they explored and settled a wilderness; the lonely desert they have transformed into cultivated fields, the haunt of the wild beast, they have made the seat of science, and where but a few years since was heard only the savage yell, their industry and enterprize have reared towns and villages, and planted polished societies. They are our fellow citizens, our friends and our brothers, and we are bound by every obligation of good faith, and every sentiment of honor, not to abandon them for a moment. It is now in our power, without difficulty or danger, to redress their wrongs, and to remove forever, the possibility of like indignities to the nation....But, Mr. President, let Bonaparte once take quiet possession of the mouth of the Mississippi, and we shall have a war indeed: nothing but the length of our swords, and the best blood of our citizens will ever make it ours.... his objects is universal dominion: and the hero of Italy, the military despot of France, a man whose towering ambition bestrides the world, whose will is now the law of nations, with fifty million of people, and the resources of Europe at his command, will be a foe not easily vanquished; and I repeat sir, let him only set his foot on that shore, let him but plant a single standard there, and he will never yield it but by inches, to superior force. He knows well the value of the position, he knows that it must become one of the first in the world, and that it now offers higher temptations to a powerful, ambitious, and intriguing people than any place on earth. It is the only key to the immense regions watered by the Mississippi and its tributary streams, to a country, larger in extent than all Europe, surpassed by no portion of the world in fertility of soil, and most of it, in climate, a paradise.

But, Mr. President, what is more than all to be dreaded, in such hands, it may be made the means of access, and corruption to your national councils, and a key to your treasury. Your western people will see in Bonaparte, at their very doors, a powerful friend or a dangerous enemy....and should he, after obtaining complete control over the navigation of the Mississippi, approach them, not in the menacing attitude

of an enemy, but under the specious garb of a protector and a friend....should he, instead of embarrass ng their commerce by any fiscal arrangements, invite them to the free navigation of the river, and give them privileges in trade not heretofore enjoyed....should he, instead of attempting to coerce them to his measures, contrary to their wishes, send missionaries into their country to court and intrigue with them, he may seduce their affections, and thus accomplish by address and cunning, what even his force might not be equal to. In this way having operated upon their passions, having enlisted in his service, their hopes and their fears, he may gain an undue ascendancy over them. Should these things be effected, which God forbid, but Bonaparte in a few years has done much more, what, let me ask honorable gentlemen, may be the consequences? I fear even to look them in the face. The degraded countries of Europe, that have been enslaved by the divisions and distractions of their councils, produced by similar means, afford us melancholy examples. Foreign influence will gain admittance into your national councils, the First Consul, or his interests, will be represented in the Congress of the United States, this floor may become the theatre of sedition and intrigue....You will have a French faction in the government, and that faction will increase, with the rapidly increasing population of the western world. Whenever this period shall arrive, it will be the crisis of American glory, and must result, either in the political subjugation of the Atlantic states, or in their separation from the western country; and I am sure there is no American who does not view as one of the greatest evils that could befal us, the dismemberment of this union. Honorable gentlemen may wrap themselves up in their present imaginary security, and say that these things are afar off, or that they can never happen; but let me beseech of them to look well to the measures they are now pursuing, for on the wisdom, the promptness and energy of those measures, will depend whether they shall happen or not.... And let me tell them, sir, that the want of firmness or judgment in the cabinet, will be no apology for the disgrace and ruin of the nation.

A single moment more, Mr. President, till I call to the recollection of gentlemen the language of experience, and endeavor to impress upon their minds yet stronger, the importance of the resolutions on your table. One of the first statesmen of the age we live in, the celebrated Mr. Fox, in

a most learned and eloquent speech lately delivered in the house of commons, taking an extended view of the affairs of Europe, and of the particular situation of the British empire, explicitly declares, that he considers the preservation of national honor, to be almost the only legitimate cause of war; that he holds that doctrine upon the plain principle, that honor is directly and inseparably connected with self defence; and if, says he, it can be proved, that the national honor has been insulted, or the national dignity disgraced, it is a fair and legitimate cause of re-commencing hostilities. These, sir, are the noble sentiments of a man, who, for thirty years past, has supported one of the most conspicuous characters on the great political theatre of nations, who has during that time been unceasingly the favorite of the people, and the jealous advocate of their rights and liberties....they are entitled to weight.

I hope I shall not be charged with a want of delicacy towards the feelings of honorable gentlemen on the other side of the house, when I say, that there was a time, even in the infancy of our government, when a soldier and a statesman, the greatest and the best of men, was at the head of the administration, that the most powerful nation of Europe would not have dared us with such an insult as we have received. I refer to the days of Washington, days of which he was the distinguished pride and ornament, but days that, alas, are now gone, and he, unhappily for his country, with them, never, never to return. In those days we were indeed comparatively weak and poor, but a national sentiment and feeling was kept alive, that disdained to submit tamely to insult;....and now, sir, when we have grown rich and strong, when our overflowing treasury, our increasing energies and population, are the burthen of every executive message, and ministerial communication, when our wealth, our power and our resources are the boast of every American, shall we see, at our very doors, with meek and philosophic forbearance, the dearest interests of our citizens trampled in the dust, and the dignity of our people insulted by an impotent and now degraded nation, and instead of the commanding tone and manner that becomes a nation of republicans, instead of taking justice into our own hands, and avenging these insults and injuries; shall we stoop to send a minister abroad to supplicate, for what? For justice...for the restoration of our indisputable rights, of which we have been stripped by violence; there to whisper, at the foot of a throne, our national

sensibilities, which we fear even to speak of but in secret at home, lest Castilian pride should be offended. I hope not sir, I hope energetic measures will be promptly adopted, that this Senate will recommend them, and that we shall not lose an hour in preparing to exert the means which God has given us of enforcing the rights that belong to us by *treaty* and by *nature*.

Mr. Brackenridge observed, that he did not mean to wander in the field of declamation, nor after the example of the honorable gentleman who had preceded him, endeavor to alarm or agitate the public mind; that he should endeavor to strip the subject of all improper coloring, and examine dispassionately the propriety of the measures which the Senate were called upon to sanction. He would be very brief.

What is the true and undisguised state of facts? Early in the session, the House of Representatives were informed, by a communication from the President, of the conduct of the intendant at Orleans. This communication stated, that he had taken measures to attempt a restoration of the right which had been violated; and that there were reasons to believe the conduct of the intendant was *unauthorized* by the court of Spain. Accompanying this message were official papers, in which it appeared that the governor of New Orleans had strongly opposed the conduct of the intendant, declared that he was acting without authority in refusing the deposit, and indicated a disposition to oppose openly the proceeding. The Spanish minister who resides here, also interposed on the occasion, and who stands deservedly high in the confidence of his government, was clearly of opinion, that the intendant was acting without authority, and that redress would be given so soon as the competent authority could interpose. From this state of things, and which is the actual state at this moment, what is the course any civilized nation who respects her character or rights, would pursue? There is but one course, which is admitted by writers on the laws of nations, as the proper one; and is thus described by Vatteli, in his book, sec. 336, 338...." A sove-
" reign ought to shew, in all his quarrels, a sincere desire
" of rendering justice, and preserving peace. He is obliged
" before he takes up arms, and after having taken them up
" also, to offer equitable conditions, and then alone his arms
" become just against an obstinate enemy, who refuses to
" listen to justice or to equity....His own advantage, and

" that of human society, oblige him to attempt, before he " takes up arms, all the pacific methods of obtaining either " the reparation of the injury, or a just satisfaction. This " moderation, this circumspection is so much the more pro- " per, and commonly even indispensible, as the action we " take for an injury does not always proceed from a design " to offend us, and is sometimes a mistake rather than an " act of malice: frequently it even happens, that the injury " is done by *inferior persons, without their sovereign having* " *any share in it:* and on these occasions, it is not natural " to presume that he would refuse us a just satisfaction." This is the course which the President has taken, and in which the House of Representatives have expressed, by their resolution, their confidence.

What are the reasons urged by gentlemen to induce a different proceeding, an immediate appeal to arms?....You prostrate, say the gentlemen, your *national honor by negociating*, where there is a direct violation of a treaty! How happens it that our national honor has, at this particular crisis, become so delicate, and that the feelings of certain gentlemen are now so alive to it? Has it been the practice of this government heretofore to break lances on the spot with any nation who injured or insulted her? Or has not the invariable course been to seek reparation in the first place by negociation?....I ask for an example to the contrary; even under the administration of Washington, so much eulogized by the gentleman last up? Were not Detroit, and several other forts within our territory, held ten or a dozen of years by Great Britain, in direct violation of a treaty? Were not wanton spoliations committed on your commerce by Great Britain, by France, and by Spain, to the amount of very many millions; and *all* adjusted through the medium of negociations? Were not your merchants plundered, and your citizens doomed to slavery by Algiers, and still those in power, even Washington himself, submitted to negociation, to ransom, and to tribute? Why then do gentlemen, who on those occasions approved of these measures, now despair of negociation! America has been uniformly successful, at least in *settling* her differences by treaty.

But the gentleman is afraid that if we do not immediately seize *the country*, we shall lose the *golden opportunity* of doing it.

Would your national honor be free from imputation by a conduct of such inconsistency and duplicity? A minister

is sent to the offending nation with an olive branch, for the purpose of an amicable discussion and settlement of differences, and before he has scarcely turned his back, we invade the territories of that nation with an army of 50,000 men! Would such conduct comport with the genius and principles of our republic, whose true interest is peace, and who has hitherto professed to cultivate it with all nations? Would not such a procedure subject us to the just censure of the world, and to the strongest jealousy of those who have possessions near to us? Would such a procedure meet the approbation of even our own citizens, whose lives and fortunes would be risqued in the conflict? And would it not be policy inexcusably rash, to plunge this country into war, to effect that which the President not only thinks can be effected, but is now actually in a train of negociation? If, on the other hand, negociation should fail, how different will be the ground on which we stand. We stand acquitted by the world, and what is of more consequence, by our own citizens, and our own consciences. But one sentiment will then animate and pervade the whole, and from thenceforth, we will take counsel only from our courage.

But to induce us to depart from this proper, this safe, and honorable course of proceeding, which is pursuing by the President, the gentleman from Pennsylvania first, and the gentleman from Delaware again told you, that by such pacific measures you will irritate the western people against you, that they will not be restrained by you, but will either invade the country themselves, or withdraw from the Union and unite with those who will give them what they want. Sir, said Mr. B. I did not expect to hear such language held on this floor! Sir, the gentleman from Pennsylvania best knows the temper and views of the western people he represents, but if he meant to extend the imputation to the state I have the honor to represent, I utterly disclaim it. The citizens of Kentucky value too highly their rights and character to endanger the one, or dishonor the other. They deal not sir, in *insurrections*. They hold in too sacred regard their federal compact to sport with it. They were among the first to oppose violations of it, and will, I trust be the last to attempt its dissolution. The time indeed was when not only irritation but disgust prevailed in that country; when, instead of sending 50,000 men, to seize on Orleans, an attempt was meditated, and a solemn vote taken in Congress to barter away this right for 25 years. The time

indeed was, when great dissatisfaction prevailed in that country, as to the measures of the general government; but it never furnished there, whatever it might have done *elsewhere*, even the germs for *treasons* or *insurrections*. The people I have the honor to represent, are not accustomed to procure redress in this way. Instead of trampling on the constitution of their country, they rally round it as the rock of their safety. But happily these times have passed away. Distrust and dissatisfaction have given place to confidence in, and attachment to, those in whom the concerns of the nation are confided. I ask no reliance on my opinion for this fact, but appeal to the memorial of the legislature of Kentucky, to the present Congress, for the truth of this assertion. In this disposition of mind therefore, and from the sound sense and the correct views and discernment of their true interest, which the people of Kentucky possess, I have no hesitation in pledging myself, that no such precipitate and unwarranted measures will be taken by them, as predicted by the gentlemen in the opposition.

But he begged leave to ask gentlemen, who hold such language, would the western people, admitting they were to withdraw from the Union, be able to accomplish the object? Could they alone go to war with France and Spain? Could they hold Orleans, were they to take possession of it without the aid of the United States? Admitting they could hold it, what security would they have for their commerce? A single ship of the line would be able completely to blockade that port.... See also the Havanna, one of the safest and strongest of the Spanish ports, and so situated as to possess every advantage in annoying our commerce. Are the gentlemen therefore really serious, when they endeavour to persuade us, that the western people are in such a state of fury and mad impatience, that they will not wait even a few months to see the fate of a negociation, and if unsuccessful, receive the aid of the whole nation, but that they will madly run to the attack without a ship, without a single cannon, without magazines, without money, or preparation of any kind; and what is worse, without union among themselves; and what is still worse, in the face of the laws and constitution of their country? It is impossible. Such a desperate project could not come to a successful issue; for should they even obtain the right by their own exertions alone, they could not expect long to enjoy it in peace, without descending from that exalted, that enviable rank of one of the independent States of United America, to the degraded, dependent condition of a colonial department of a foreign nation.

Although he thought it incumbent on us, for the reasons he had stated, to try the effect of negociation, yet, should that fail, he thought it incumbent on us also to be prepared for another resort. He considered this right, and upon a different footing from what we ever enjoyed it, so all important, so indispensible to the very existence of the western states, that it was a waste of words and time to attempt to pourtray the evils which a privation of it would produce; and he rejoiced to find that gentlemen with whom he had not been in the habit of voting on most political subjects, so perfectly accord with him, that our precarious tenure of it must be changed. He hoped they were sincere in their declarations....If they were, the only difference between us now is, what are the proper means to obtain this great end? The course pursued by the President was, in his opinion, the only true and dignified course. It is that, and that only, which will certainly attain the object; and is the only one which will tend to unite cordially all parts of the Union. But we ought to be prepared in case of failure, instantly to redress ourselves. This, instead of having an evil, would in his opinion, have a good effect on the negociation. It would shew, that although we are willing amicably to adjust our differences, yet that we are not only resolved on, but prepared for that resort which cannot fail to restore our violated rights. With that view, he would offer the following resolutions, as substitutes for those proposed by the gentleman from Pennsylvania.

He moved that the whole of the resolutions be struck out, excepting the word *Resolved*, and the following be substituted in their place:....after the word "*Resolved*,"

"That the President of the United States be, and he is hereby authorised, whenever he shall judge it expedient, to require of the executives of the several states, to take effectual measures to organize, arm, and equip, according to law, and hold in readiness to march at a moment's warning, 80,000 effective militia, officers included.

Resolved, "That the President may, if he judges it expedient, authorise the executives of the several states to accept, as part of the detachment aforesaid, any corps of volunteers; who shall continue in service for such time, not exceeding months, and perform such services as shall be prescribed by law.

Resolved, "That dollars be appropriated for paying and subsisting such part of the troops aforesaid, whose actual service may be wanted, and for defraying such other expenses as, during the recess of Congress, the President may

deem necessary for the security of the territory of the United States.

Resolved, "That dollars be appropriated for erecting, at such place or places on the western waters, as the President may judge most proper, one or more arsenals."

Mr. Dayton wished to know whether it was in order to introduce the substance of a resolution, though in different words, under the name of an amendment.

Mr. Clinton. The extraordinary manner in which the subject now under consideration, has been introduced, the extraordinary manner in which it has been treated, and the extraordinary nature of the proposition itself, would justify a latitude and severity of remark, which, however, I am not disposed to indulge upon this occasion: I know that I address myself to a very respectable portion of the collected wisdom and patriotism of my country. I will therefore leave the honorable members from Pennsylvania and Delaware, (Mr. Ross ond Mr. White) in the undisturbed possession of their inflammatory appeals and declamatory effusions, and will manifest a becoming respect for the high authority to which I have the honor to speak, by moving on the ground of argument and of fact. To prevent losing myself in so spacious a field, I will consider the subject under three distinct heads:

1. The injuries alledged to have been committed on the part of Spain.
2. The nature, character, and tendency of the remedy proposed.
3. Its justice and policy.

The importance of a free navigation of the Mississippi has been duly appreciated by the government, and a constant eye has been kept upon it, in our negociations with foreign powers. An attempt was indeed made under the old confederation, to barter it away for twenty-five years, which, however, was efficiently controlled by the good sense and patriotism of the government. By the treaty of peace with Great Britain in 1783....by the treaty of amity, commerce, and navigation, with her, in 1794....and by the treaty of friendship, limits, and navigation with Spain, in 1795, the right of a free navigation of the Mississippi is recognized, and declared to exist from its source to the ocean, in the citizens of the United States. By the 22d article of the treaty with Spain, it is declared, That "in consequence of the stipulations contained in the 4th article, his Catholic majesty will permit the citizens of the United States, for the space of three years from this time, to

deposit their merchandize and effects in the port of New Orleans, and to export them from thence without paying any other duty than a fair price for the hire of the stores. And his majesty promises either to continue this permission, if he finds during that time that it is not prejudicial to the interests of Spain, or if he should not agree to continue it there, he will assign to them, on another part of the banks of the Mississippi, an equivalent establishment." The 22d article granting the right of deposit, is, therefore, founded upon the 4th article recognizing the right of free navigation, and is intended to give full and complete efficacy to it. By a proclamation of the intendant of the province of Louisiana, dated the 16th of Oct. last, the right of deposit is prohibited. The reason assigned for this daring interdiction is, that the three years for which it was granted, having expired, it cannot be continued without an express order from the king of Spain....And at the same time no equivalent establishment is assigned according to the stipulations of the treaty.

There can be no doubt but that the suspension of the right of deposit at New Orleans, and the assignment of another place equally convenient, ought to have been contemporaneous and concurrent....that the conduct of the intendant is an atrocious infraction of the treaty, and that it aims a deadly blow at the prosperity of the western states; but it is extremely questionable whether it was authorized by the government of Spain or not. On this subject I am free to declare that I entertain great doubts, which can only be cleared up by the course of events, or perhaps it will ever be enveloped in darkness. On the one hand, the terms of the proclamation, indicating a misunderstanding of the treaty, the remonstrances of the governor of the province, whose authority does not extend to commercial and fiscal affairs, over which the intendant has an exclusive control, and the prompt and decided assurances of the Spanish minister near the United States, would induce a belief, that the act of the intendant was unauthorized. On the other hand, it cannot readily be believed that this officer would assume such an immense responsibility, and encounter an event so big with important consequences, not only to his country but to himself....without knowing explicitly the intentions of his government. Such then is the true state of the Spanish aggression....an important right had been secured to our citizens by the solemnity of a treaty....this right had been withdrawn by an officer of the Spanish government, and whether this aggression was directed by it or not, is not as yet

known. Other aggressions have indeed been stated by the honorable gentleman from Pennsylvania, (Mr. Ross) in order to darken the picture, and with the manifest design of exasperating our feelings, inflaming our passions, and prompting an immediate appeal to the sword. That gentleman had mentioned that great and unwarrantable spoliations have been committed upon our commerce by Spain, and that redress is refused. The depredations previous to the treaty of 1795, were satisfactorily provided for in it, and those subsequent are in a favorable train of negociation and adjustment. If it were permitted to me to draw aside the veil which covers our executive proceedings, I could establish to the satisfaction of every person present, that the honorable mover has wandered widely from candor and the convictions of his own knowlege, in his representations on this subject. I will at present content myself with giving an unqualified contradiction to his declarations, and do cheerfully appeal to the information within the power of every member of the senate, for the accuracy of my assertion. I am fully satisfied that the court of Madrid has not only entertained, but has manifested in her negociations, every disposition to maintain inviolate the relations of amity with this country. When, therefore, the honorable mover proceeded to state that several of our citizens had been seized and imprisoned by the colonial authorities of Spain, I might ask, whether any government in the world pretended to protect her citizens in the violation of the laws of other nations? Whether our citizens in the situation he has represented, had not been concerned in illicit trade, and in violating the laws of the Spanish colonies? Instances may have indeed occurred where innocent persons have been unjustly dealt with, and whenever representations to this effect shall be made to our government, I have no doubt but that ample redress will be instantly demanded and insisted upon. Nothing has been laid before us which can authorize the assertions made on this subject....Whenever such conduct shall be brought home to Spain, and prompt and complete satisfaction denied, I shall then consider it the duty of the government to vindicate the rights of our citizens at all hazards....and I cannot but congratulate the honorable mover, and the other side of the house, on the resurrection of that ardent zeal in favor of their oppressed countrymen, which has so long and so soundly slept....over British and French enormities.

As to the nature, character, and tendency of the remedy proposed, there can be but one opinion. It proposes to

enter the country of a foreign nation with a hostile force, and to seize a part of its territory....It is not preceded by a *formal declaration*, and cannot, therefore, come under the denomination of a *solemn war*, but it partakes of the character of a war *not solemn*....It answers to the definition of war, by Burlamaqui, "a nation taking up arms with a view to decide a quarrel;" to that given by Vattel, who represents it to be "that state in which a nation prosecutes its right by force." A state of general hostilities would as necessarily follow as an effect would follow a cause....no nation would submit to the irruption of a hostile army without repelling it by force....the proud Castilian, as described by the gentleman from Delaware, would revolt at the insult....the door of negociation would be effectually closed, and as the appeal would be to arms in the first instance, so the controversy must be finally decided by the preponderance of force. It would therefore not only have impressed me with a more favorable opinion of the honorable mover's candor, but also of his decision and energy as a statesman, if he had spoken out boldly, and declared his real object. War is unquestionably his design....his wish. Why then mask his propositions? Why combine it with considerations connected with negociation? Why not furnish the American people at once with the real and the whole project of himself and his friends? If it is bottomed on patriotism, and dictated by wisdom, it need not shrink from the touch of investigation.... it will receive their approving voice, and be supported by all their force. The resolution is then to be considered as a war resolution....in no other light can it be viewed....in no other light ought it to be viewed....and in no other light will it be viewed by the intelligence of the country.

In this point of view, I will proceed, said Mr. C. to consider its justice and policy, its conformity with the laws and usage of nations, and the substantial interests of this country.

I shall not attempt to occupy your attention by threadbare declamation upon the evils of war, by painting the calamities it inflicts upon the happiness of individuals, and the prosperity of nations. This terrible scourge of mankind, worse than the famine or pestilence, ought not to be resorted to until every reasonable expedient has been adopted to avert it. When aggressions have been committed by the sovereign or representatives of the will of a nation, negociation ought in all cases to be first tried, unless the rights of self-defence demand a contrary course. This is the practice of nations, and

is enjoined by the unerring monitor which the God of nature has planted in every human bosom. What right have the rulers of nations to unsheath the sword of destruction, and to let loose the demon of desolation upon mankind, whenever caprice or pride, ambition or avarice, shall prescribe? And are there no fixed laws founded in the nature of things which ordain bounds to the fell spirit of revenge, the mad fury of domination, and the insatiable thirst of cupidity? Mankind have not only in their individual character, but in their collective capacity as nations, recognized and avowed in their opinions and actions, a system of laws calculated to produce the greatest happiness of the greatest number. And it may be safely asserted, that it is a fundamental article of this code, that a nation ought not to go to war, until it is evident that the injury committed is highly detrimental, and that it emanated from the will of the nation charged with the aggression, either by an express authorization in the first instance, or by a recognition of it when called upon for redress, and a refusal in both cases to give it. A demand of satisfaction ought to precede an appeal to arms, even when the injury is manifestly the act of the sovereign; and when it is the act of a private individual, it is not imputable to his nation, until its government is called upon to explain and redress, and refuses; because the evils of war are too heavy and serious to be incurred, without the most urgent necessity....because remonstrance and negociation have often recalled an offending nation to a sense of justice, and a performance of right....because nations, like individuals, have their paroxisms of passion, and when reflection and reason resume their dominion, will extend that redress to the olive-branch which their pride will not permit them to grant to the sword....because a nation is a moral person, and as such, is not chargeable with an offence committed by others, or where its will has not been consulted, the unauthorized conduct of individuals being never considered a just ground of hostility, until their sovereign refuses that reparation for which his right of controlling their actions, and of punishing their misconduct, necessarily renders him responsible. These opinions are sanctioned by the most approved elementary writers on the laws of nations. I shall quote the sentiments of some of them.

Vattel says: "Two things, therefore, are necessary to render it (an offensive war) just. First, a right to be asserted; that is, that a demand made on another nation be important and well grounded: 2d, That this reasonable demand cannot be obtained otherwise than by force of arms. Necessity alone

warrants the use of force. It is a dangerous and terrible resource. Nature, the common parent of mankind, allows of it only in extremity, and when all others fail. It is doing wrong to a nation to make use of violence against it, before we know, whether it be disposed to do us justice, or to refuse it. They who, without trying pacific measures, on the least motive run to arms, sufficiently shew that justificative reasons, in their mouths, are only pretences; they eagerly seize the opportunity of indulging their passions, and of gratifying their ambition, under some colour of right." It is subsequently stated by this admired writer, that "it is demonstrated in the forgoing chapter, that to take arms lawfully, 1. That we have a just cause of complaint: 2. That a reasonable satisfaction has been denied us, &c."

Burlamaqui says, "However just reason we may have to make war, yet as it inevitably brings along with it an incredible number of calamities, and often injustices, it is certain that we ought not to proceed too easily to a dangerous extremity, which may perhaps prove fatal to the conqueror himself. The following are the measures which prudence directs sovereigns to observe in these circumstances :...1. Supposing the reason of the war is just in itself, yet the dispute ought to be about something of great consequence to us; since 'tis better even to relinquish part of our right, when the thing is not considerable, than to have recourse to arms to defend it. 2. We ought to have at least some probable appearance of success; for it would be a criminal temerity, and a real folly, wantonly to expose ourselves to certain destruction, and to run into a greater, in order to avoid a lesser evil. 3. Lastly, there should be a real necessity for taking up arms; that is, we ought not to have recourse to force, but when we can employ no milder method of recovering our rights, or of defending ourselves from the evils with which we are menaced. These measures are agreeable not only to the principles of prudence, but also to the fundamental maxims of sociability, and the love of peace; maxims of no less force, with respect to nations, than individuals. By these a sovereign must, therefore, be necessarily directed; even the justice of the government obliges him to it, in consequence of the very nature and end of authority. For as he ought always to take particular care of the state, and of his subjects, consequently he should not expose them to all the evils with which war is attended, except in the last extremity, and when there is no other expedient left but that of arms." In addition to these great

authorities, permit me to refer severally to the opinions of two more modern writers, Martens and Paley...The former says that all amicable means for redress must be tried in vain before an appeal to arms, unless it is evident that it would be useless to try such means...and the latter is of opinion that the only justifying causes of war are *deliberate invasions* of right, and maintaining the balance of power. It is not necessary to decide upon the justice of the last observation, because it does not apply to the case before us...But can any man lay his hand upon his heart and declare that he believes the present case a *deliberate invasion of right* by the Spanish government? Can any man say, that it would be fruitless to attempt amicable means of redress, and that the sword alone can restore us to our rights?

The opinions of these celebrated writers are corroborated by the general usage of nations. A demand of redress before the application of force has been almost uniformly practised by the most barbarous, as well as the most civilized nations. Instances may indeed be found to the contrary, but they are to be considered as departures from established usage. The ancient Romans who were a military nation, and who marched to empire through an ocean of blood, always demanded satisfaction from the offending nation before they proceeded to war, and fixed upon a certain time in which the demand was to be complied with...at the expiration of which, if redress was still withheld, they then endeavored to obtain it by force. It has been the general practice of the civilized nations of Europe to promulge manifestos justificatory of their conduct, in resorting to arms. These manifestos contain a full statement of their wrongs, and almost always declare that they had previously endeavored by negociation to obtain a friendly adjustment of their complaints....What is this, but a declaration, that the law and the sense of nations demand this course? What is it, but an appeal to the intuitive sense of right and wrong which exists in every human bosom? The reign of the present king of Great Britain has been emphatically a war reign. In 1760 he ascended the throne and found the nation at war with France...besides his wars in the East and West Indies, almost half of his reign has been consumed in wars with this country and some of the nations of Europe...He has been three times at war with France...three times with Spain, twice with Holland, and once with the United States. The most strange events...events which have pleased and dazzled, astonished and terrified mankind, have passed upon the

theatre of the world in his time...The ordinary maxims of policy, and the cardinal principles of action, have been reversed and prostrated...The world has seen the revival of the crusades, all the great powers of Europe in arms, and a destroying and desolating spirit go forth, unknown to past times. Portentous as a portion of this reign has been, when a deviation from the established laws of nations might naturally be expected, and degraded as the power and condition of Spain is represented to be, I am willing to stake the whole controversy upon the reciprocal conduct of these governments to each other. Of all wars, one with Spain is the most popular in England, from the opportunities it affords for maritime spoliation, and lucrative enterprize....for the same reasons it is anxiously deprecated by Spain; and it has even grown into a Spanish proverb, "Peace with England, and war with the world." Notwithstanding the preponderating force of Great Britain, the allurements of popularity and cupidity, her great and extraordinary acquisition of maritime power, and the martial temper which has marked her character during the present reign, we find the very power with whom we are now called upon to measure swords, meeting her propositions for negociation or arms on the ground of perfect equality, maintaining a steady posture, and an erect attitude, passing thro' her collisions with unspotted reputation and unsullied dignity, and teaching us an instructive lesson, that while we ought never to bend into degrading compliances, we are not to expect that a nation which has not yielded improperly to the power in the world most able to injure her, will tamely submit to the insulting and imperious measure recommended so earnestly to our adoption. Six controversies have occurred between Great Britain and Spain, during the reign of the present king....three have terminated amicably by negociation, and three have resulted in war. In 1761, when Great Britain was at war with France, a memorial was presented by the French ambassador at London, to the English minister, which implicated some demands of Spain upon Great Britain, and which gave great offence to her ministry....A negociation took place, which being attended with an insolent demand for a sight of a treaty concluded between France and Spain, and which being very properly refused, a war ensued. Notwithstanding the conduct of Great Britain in the course of this transaction was precipitate and unjust, negociation was attempted before an appeal to arms....And the future disclosure of the real transaction furnished her with a salutary lesson;

for it was afterwards found that the treaty did not refer to the existing state of the belligerent powers, but that the guarantee it contained was not to operate until the termination of the war.

In the year 1770 the remarkable case of the Faulkland Islands occurred. Six years before a settlement was made and a fort erected by the British government on one of them, with a view to accommodate navigators in refitting their ships and furnishing them with necessaries previous to their passage thro' the Streights of Magellan, or the doubling Cape Horn. This settlement gave great umbrage to Spain, not only upon account of its interference with her claim of sovereignty to almost the whole Southern Continent of America, and the adjacent islands, but also on account of the facility it would afford in case of a future war, to an attack upon her South-Sea Territories....Ineffectual remonstrances were made on the part of Spain, and at last, notwithstanding the claim of Great-Britain by discovery and occupancy, an armed force was sent ....the fort was taken....the settlement was broken up, and the honor of the British flag violated by the taking off of the rudder of a king's ship, and detaining it on shore twenty days.... What course did the British pursue on this occasion? In this case the insult was flagrant....the honor of their flag, the dignity of the crown, and the commerce of the nation were implicated. Was the sword immediately unsheathed, and the door to peace effectually closed? No....Negociations ensued....a convention was formed....Spain disavowed the violence and engaged to restore the possessions, but with an express declaration that the restitution should not affect the question concerning the prior right of sovereignty....The islands were also evacuated three years afterwards by Great Britain, in consequence of a secret agreement.

In 1779 Spain declared war against Great-Britain, alledging unredressed depredations on her commerce, and that she was insulted in an attempt to negociate between France and Great-Britain. It is evident that this step on the part of Spain was in pursuance of the family compact....and was not justifiable by the laws of nations. It appears, however, that previous to taking this measure, she had attempted to attain her objects by negociation.

In 1786 the long disputes respecting the English settlements on the Mosquito shore, and the coast of Honduras, were settled by negociation. The English abandoned their Mosquito settlements, and many hundreds of families who had inhabited them under the protection and faith of the British go-

vernment, were peremptorily compelled to evacuate that country....The boundaries of the English Honduras settlements were enlarged, but in such a manner as to leave Spain in full possession of her territorial rights and exclusive dominion.

In 1790 the controversy about Nootka Sound arose.... two years before a settlement was made there by an association of British merchants, on land purchased from the natives with a view to carry on the Fur trade. This interfering with the chimerical rights of Spain, a Spanish frigate was dispatched by the Viceroy of Mexico, which siezed the fort, and captured the English vessels trading there....a negociation took place, the vessels were restored, and the settlements agreed to be yielded back....but there was an express reservation on the part of Spain, of the right of sovereignty for ulterior discussion.

In 1796 Spain, in pursuance of a treaty of alliance offensive and defensive with France, declared war against G. Britain. From this short narrative it will appear that in almost every case negociation was attempted, even when indignity and violence had been committed. That in many instances it was successful....that in two of the three cases where hostilities were commenced, Spain was unequivocally the aggressor ....that in most of her adjustments she stood upon ground at least equal, and in some superior to Great Britain....that in all of them she maintained a high sense of character and independence, and that in points affecting the most delicate considerations of national honor, interest and right, and where occurrences of a very irritating nature had taken place, and more aggravated than the one of which we justly complain....The path of negociation was deemed the path of honor, by two of the great nations of Europe.

The practice of our government has been uniformly conformable with the principles I have endeavoured to establish, and I trust I shall be excused for bestowing particular consideration on this subject. We have heard much of the policy of WASHINGTON....it has been sounded in our ears from all quarters.....and an honorable gentleman from Delaware (Mr. WHITE) has triumphantly contrasted it with that adopted by the present administration. I am not disposed to censure it in this case....on the contrary, I think it a high and respectable authority....but let it be properly understood in order to be rightly appreciated, and it will be found that the United States under his administration, and that of his successor, have received injuries more deleterious, insults more atrocious, and indignities more pointed than the present, and that the pacific

measure of negociation was prefered. If our national honor has survived the severe wounds it then received, it may surely outlive the comparatively slight attack now made upon it.... but if its ghost only now remains to haunt the consciences of the honorable gentlemen, who were then in power, and who polluted their hands with the foul murder, let them not attempt to transfer the odium and the crime to those who had no hand in the guilty deed. They then stood high in the councils of their country....The reins of government were in their hands ....and if the course they at that time pursued, was diametrically opposite to that they now urge for our adoption....what shall we say of their consistency? What will they say of it themselves? What will their country say of it? Will it be believed that the tinkling sounds and professions of patriotism which have been so vehemently pressed upon us, are the emanations of sincerity, or will they be set down to the account of juggling imposture? Altho' but an infant nation, our career has been eventful and interesting....We have already had very serious collisions with three of the most powerful nations of Europe, who are connected with us by treaty, by neighborhood, and by commerce....Great Britain, France, & Spain, have successively committed very great aggressions upon our national rights....In stating these I have no intention of reviving feelings which I trust have ceased with the causes which gave them birth, nor of aspersing the characters of nations who certainly hold the most important and respectable station in the civilized world. ..Our differences with Great Britain were coeval with the treaty of peace....The detention of the Western posts was a direct violation of that treaty....it diverted a considerable portion of the fur trade from the United States, and disabled us from bridling the hostile Indians, which was a source of immense injury This evil continued for twelve years, under every circumstance of aggravation and insult.... British soldiers issued from those forts into parts of our territory, where we exercised jurisdiction, and seized the persons of deserters without the aid or sanction of the authorities of the country, and these possessions served as asylums for the savages who were in hostile array against us....and as storehouses and magazines to supply them with arms, ammunition, and provisions. The seat of government of Upper Canada was also held for a time at Niagara, in the State of New-York, an indignity of the most marked character....many thousands of negroes were also carried off in violation of the treaty, and a very serious injury was thereby inflicted on the agricultural

pursuits of our southern citizens. On the other hand, it was stated on the part of Great Britain that the treaty was violated by the United States, for that impediments had been interposed against the recovery of British debts by legislative acts and judicial decisions in several of the States. As there were mutual reclamations and reciprocal complaints, let us balance the account, and set off these grievances against each other.... let us suppose that both parties acted right, and that no real cause of crimination existed, still I contend that the conduct of Great Britain, independent of the inexecution of the treaty of peace, was much more aggravated than the case before us.

It is well known that we were engaged in a bloody and expensive war with several of the Indian tribes....that two of our armies had been routed by them, and that we were finally compelled to make great efforts to turn the tide of victory.... These Indians were encouraged and aided by the emissaries of Great Britain....British subjects were seen disguised fighting in their ranks, and British agents were known to furnish them with provisions and the implements of war. The governor general of Canada, a highly confidential and distinguished officer, delivered a speech to the seven nations of Lower Canada, exciting them to enmity against this country; but in order to furnish the savages at war with sufficient aid, a detachment of British troops penetrated into our territory and erected a Fort on the Miami River....Here the Indians, dispersed and defeated by Wayne, took refuge, and were protected under the muzzle of British cannon. A violation of territory is one of the most flagrant injuries which can be offered to a nation, and would in most cases justify an immediate resort to arms, because in most cases essential to self-defence. Not content with exciting the savages of America against us, Great Britain extended her hostility to the eastern hemisphere, and let loose the barbarians of Africa upon us.... A war existed at that time between Portugal and Algiers.... The former blocked up the mouth of the Streights, by her superior naval force, and prevented the pirates from a communication with the Adantic. Portugal has been for a long time subservient to the views of Great Britain....A peace was effected through the mediation of the latter....Our unprotected merchantmen were then exposed, without defence, to the piracies of Algiers. Thus in three quarters of the globe we at one time felt the effects of British enmity....In the mean time our commerce in every sea was exposed to her rapacity....All France was declared in a state of siege, and the conveyance of provi-

sions expressly interdicted to neutrals....Paper blockades were substituted for actual ones, and the staple commodities of our country lay perishing in our storehouses, or were captured on the ocean, and diverted from the lawful proprietors....Our seamen were pressed wherever found....Our protections were a subject of derision, and opposition to the imperious mandates of their haughty tyrants, was punished by famine or by stripes....by imprisonment or by the gibbet....To complete the full measure of our wrongs, the November orders of 1793 were issued; our ships were swept from the ocean, as if by the operation of enchantment....hundreds of them were captured....almost all our merchants were greatly injured, and many of them reduced to extreme poverty. These proceedings, without even a pretext, without the forms of justice, without the semblance of equity, were calculated to inflame every American feeling, and to nerve every American arm.... Negociation was however pursued, an envoy *extraordinary*, in every sense of the word, was sent to demand redress, and a treaty of amity, commerce, and navigation, was formed and ratified....These events took place under the administration of Washington. The Spanish treaty, concluded on the 27th October, 1795, stipulated for a settlement of boundaries, and an adjustment of spoliations on commerce, and contained a declaration of the free navigation of the Mississippi, and a grant of the privilege of deposit at New Orleans....This treaty for more than two years afterwards, was not executed on the part of Spain. In January, 1798, a report was made to Mr. Adams, by Mr. Secretary Pickering, and submitted to Congress, which charged Spain with retaining her troops and garrisons within the United States, with evading to run the boundary line, with stopping, controlling, and regulating the passage of our citizens on the Mississippi, and with sending emissaries among the Indians residing within our territories, in violation of the treaty and the relations of amity. Here then, a treaty securing the important benefit of deposit, was in a state of inexecution for a long period.... Our citizens were also interrupted in the free navigation of the Mississippi, and other aggressions, affecting our territorial rights, and our internal peace, were superadded. Was it at that time proposed by the honorable gentlemen who were then in power, as it now is, when they are deprived of it, to seize New Orleans with an armed force? Were they then so feelingly alive to the wrongs of our western brethren? Did they manifest that irritable sensibility for national honor which is

now thundered in our ears with such extraordinary emphasis? If it is right for us to act now in the way they propose, what will excuse them for not pursuing the same system then? Was their political vision darkened by the eminence on which they stood? And does it require the ordeal of adversity to open their eyes to a true sense of their country's honor and interest? Let them answer to their constituents, to their consciences, and to their God.

An amicable explanation was had with Spain, and our wrongs were satisfactorily redressed. This took place in the administration of Mr. Adams, and when most of the honorable gentlemen who support this war resolution, except such as were dangling in the courts of Europe, held prominent stations in the councils of the country.

Our differences with France were of a more serious nature, and of a longer duration. They commenced in the administration of Mr. Washington, and were adjusted in that of his successor. Great and enormous depredations were committed upon our commerce by France, and our merchants were fraudulently robbed of compensation for provisions supplied her in the hour of distress. The treaty and consular convention were violated. The right of embassy, a sacred right, respected even by the ferocious savage, was wantonly trampled upon; and the representative of our national sovereignty was refused a reception, and ignominiously ordered out of France. A fresh attempt at negociation was made.... three ministers were sent, armed with all the powers, and clothed with all the honors of diplomacy....They were also refused a hearing, and were forced to leave the country without experiencing the forms of common civility. The treaty was then annulled, and reprisals directed: and when the honorable gentlemen and their friends, then in power, had worked up the passions of the nation to the highest pitch of exasperation ....when war, bloody war, was expected from all quarters.... when the war-worn soldiers of the revolution were girding on their swords, and preparing to stand between their country and the danger that menaced her, the scene suddenly changed: the black cloud passed away; and we again beheld three ministers at Paris, extending the olive-branch, burying all animosities, and returning with a treaty of "*firm, inviolable, and universal peace, and true and sincere friendship.*" I shall not press this subject any further upon the feelings of the honorable gentlemen....I read in their countenances the emotions they experience.

I have thus shewn that the course recommended for our adoption, is not warranted by the laws and usage of nations, nor by the practice of our government. I shall now examine whether it is not repugnant to the best interests of the country.

A vast augmentation of our national debt would be the certain consequence of this measure. It is a moderate estimate to say, that our annual expenditures, over and above our surplus revenue, would be 20 millions of dollars; and we cannot reasonably expect that the war would continue a shorter period than five years. Hence 100 millions would be added to our debt, and the great experiment which we are now trying of extinguishing it in fourteen years, would certainly fail....An experiment which has been defeated in Europe, by war and prodigality; and for the success of which, in this country, every friend of republican government looks up with the greatest anxiety. But this is not all....Heavy and oppressive taxation would be necessary, in order to pay off the interest of the accumulating debt, and to meet the other exigencies of government. We are now a happy nation in this respect. Neither the temper nor the habits of our citizens will patiently submit to severe burdens, and happily the posture of our financial arrangements does not require them. Give the rein, however, to chimerical notions of war....Embrace the proposition now submitted to us, and the weight of your impositions will be felt in every nerve and artery of our political system. Excises, taxes on houses and lands, will be reintroduced, and the evils of former administrations will be multiplied upon us. But the mischief will not stop here....with the encreasing calls for money from the people, their means to satisfy them will be diminished....The superior naval force of the enemy would cripple our commerce in every quarter of the globe....Great Britain and Spain hold the keys of the Mediterranean....We should therefore be entirely shut out of that sea, unless we could persuade the former to unite her exertions with ours. With the decay of our commerce....with our exclusion from foreign markets, the labors of our farmers would be palsied.... the skill of our manufacturers would be rendered useless.... and with the fruits of their industry perishing on their hands, or greatly undersold, how would they be able to meet the augmented wants of government? What in the mean time would become of the claim of our merchants upon Spain, for at least five millions of dollars, and to what perils would your commercial cities be exposed? These certain evils would be

encountered, without producing the least benefit to our western brethren....The seizure of New Orleans would vest us with a place of deposit....but a place of deposit, without the free navigation of the Mississippi, would be entirely useless. As long as the enemy holds the country below New Orleans, and possesses a superior naval force, so long we will be excluded from the Mississippi. Suppose, however, this obstacle removed....suppose we are enabled to pass into the Gulf, without molestation, is it not necessary for vessels to hug the island of Cuba, on their passage to the Atlantic states? And will not this expose them to certain capture, as long as Spain retains that important possession. To secure the great object said to be aimed at by this resolution, and to establish beyond the reach of annoyance, a free communication between the Atlantic and western states, we must seize not only New Orleans, but the Floridas and Cuba; and we must immediately create a formidable navy. It is needless to mention that the Atlantic states are, with a few exceptions, the carriers of the western produce....Three fourths of that trade is managed by the merchants of the state I have the honor to represent. I therefore view this measure as pregnant with great mischief to the commerce of Atlantic America, and as a certain exclusion of the western states from market, as long as the war shall continue.

It is no slight objection in the minds of the sincere friends of republicanism, that this measure will have a tendency to disadjust the balance of our government, by strengthening the hands of the executive, furnishing him with extensive patronage, investing him with great discretionary powers, and placing under his direction a large standing army. It is the inevitable consequence of war in free countries, that the power which weilds the force will rise above the power that expresses the will of the people. The state governments will also receive a severe shock....Those stately pillars which support the magnificent dome of our national government, will totter under the increased weight of the superincumbent pressure. Nor will the waste of morals....the spirit of cupidity....the thirst of blood, and the general profligacy of manners, which will follow the introduction of this measure, be viewed by the great body of our citizens, without the most fearful anxiety, and the most heartfelt deprecation. And if there are any persons in this country, and I should regret if there are any such in this house, who think that a public debt is a public blessing, and that heavy taxation is expedient in order to produce industry

....who believe that large standing armies are essential to maintain the energy, and that extensive patronage is indispensible to support the dignity of government....who suppose that frequent wars are necessary to animate the human character, and to call into action the dormant energies of our nature....who have been expelled from authority and power by the indignant voice of an offended country, and who repine and suffer at the great and unexampled prosperity which this country is rapidly attaining under other and better auspices.... Such men, whoever they are, and wherever they be, will rally round the proposition now before us, and will extol it to the heavens, as the model of the most profound policy, and as the offspring of the most exalted energy.

If I were called upon to prescribe a course of policy most inportant for this country to pursue, it would be to avoid European connections and wars. The time must arrive when we will have to contend with some of the great powers of Europe, but let that period be put off as long as possible. It is our interest and our duty to cultivate peace, with sincerity and good faith. As a young nation, pursuing industry in every channel, and adventuring commerce in every sea, it is highly important that we should not only have a pacific character, but that we should really deserve it. If we manifest an unwarrantable ambition, and a rage for conquest, we unite all the great powers of Europe against us. The security of all the European possessions in our vicinity, will eternally depend, not upon their strength, but upon our moderation and justice. Look at the Canadas....at the Spanish territories to the south ....at the British, Spanish, French, Danish, and Dutch West India Islands....at the vast countries to the west, as far as where the Pacific rolls its waves. Consider well the eventful consequences that would result, if we were possessed by a spirit of conquest. Consider well the impression which a manifestation of that spirit will make upon those who would be affected by it. If we are to rush at once into the territory of a neighbouring nation, with fire and sword, for the misconduct of a subordinate officer, will not our national character be greatly injured? Will we not be classed with the robbers and destroyers of mankind? Will not the nations of Europe perceive in this conduct the germ of a lofty spirit, and an enterprizing ambition which will level them to the earth, when age has matured our strength, and expanded our powers of annoyance....unless they combine to cripple us in our infancy? May not the consequences be, that we must look out for

a naval force to protect our commerce....that a close alliance will result....that we will be thrown at once into the ocean of European politics, where every wave that rolls, and every wind that blows, will agitate our bark? Is this a desirable state of things? Will the people of this country be seduced into it by all the colorings of rhetoric, and all the arts of sophistry....by vehement appeals to their pride, and artful addresses to their cupidity? No, sir. Three fourths of the American people, I assert it boldly and without fear of contradiction, are opposed to this measure. And would you take up arms with a mill-stone hanging round your neck? How would you bear up, not only against the force of the enemy, but against the irresistible current of public opinion. The thing, sir, is impossible; the measure is worse than madness ....it is wicked, beyond the powers of description.

It is in vain for the mover to oppose these weighty considerations, by menacing us with an insurrection of the western states, that may eventuate in their seizure of New Orleans without the authority of government....their throwing themselves into the arms of a foreign power....or in a dissolution of the Union. Such threats are doubly improper...improper as they respect the persons to whom they are addressed, because we are not to be terrified from the performance of our duty, by menaces of any kind, from whatever quarter they may proceed; and it is no less improper to represent our western brethren as a lawless unprincipled banditti, who would at once release themselves from the wholesome restraints of law and order, forego the sweets of liberty...and either renounce the blessings of self-government, or like the Goths and Vandals, pour down with the irresistible force of a torrent upon the countries below, and carry havoc and desolation in their train. A separation by a mountain, and a different outlet into the Atlantic, cannot create any natural collision between the Atlantic and western states...on the contrary, they are bound together by a community of interests, and a similarity of language and manners; by the ties of consanguinity and friendship, and a sameness of principles. There is no reflecting and well principled man in this country, who can view the severance of the states without horror, and who does not consider it as a Pandora's box which will overwhelm us with every calamity: and it has struck me with not a little astonishment, that on the agitation of almost every great political question, we should be menaced with this evil. Last session, when a bill repealing a judiciary act was under consideration,

we were told that the eastern states would withdraw themselves from the union, if it should obtain; and we are now informed, that if we do not accede to the proposition before us, the western states will hoist the standard of revolt and dismember the empire. Sir, these threats are calculated to produce the evil they predict, and they may possibly approximate the spirit they pretend to warn us against: they are at all times unnecessary...at all times improper...at all times mischievous...and ought never to be mentioned within these walls. If there be a portion of the United States *peculiarly* attached to republican government and the present administration, I should select the western states as that portion. Since the recent elections, there is not a single senator, or a single representative in congress, from that vast country, unfriendly to the present order of things, and except in a part of the Mississippi Territory, and its whole population did not by the last census reach nine thousand souls, there is scarcely the appearance of opposition. To represent a people so republican, so enlightened, and so firm in their principles, as ready without any adequate cause, (for no government could watch over their interests with more paternal solicitude than the present upon the present question,) to violate their plighted faith and political integrity...to detach themselves from the government they love, and to throw themselves under the protection of nations, whose political systems are entirely repugnant to their own, requires an extent of credulity rarely equalled....certainly never surpassed. If we examine the indications of public sentiment which have reached us, we see them breathing quite a contrary spirit. The legislatures of Kentucky and the Mississippi Territory, have expressed full confidence in the conduct of the government, respecting the infraction of the treaty: Virginia, which embraces a respectable portion of western population, has done the same. The legislature of Tennessee has not been in session, but from the most recent and authentic accounts, we have every reason to believe that that state & the Indiana Territory are entirely satisfied with the position our government has taken. The infant state of Ohio has presented us with an address couched in the warmest terms of affectionate attachment...equally honorable to her and to us; and her recent elections have manifested the same decided spirit: out of forty-five members returned to her first legislature, there are only five to be found in the opposition. Pennsylvania is the only remaining state which possesses any western territory....and I need only refer you to her

elections, to demonstrate the extraordinary attachment to the government which prevails in that great and respectable state. In the next congress there will not be a single member in opposition from Pennsylvania, and her state elections have been attended with nearly the same distinguished unanimity. Under the influence of such honorable principles, and under the auspices of the great character who so deservedly holds the reins of her government, and so extensively possesses the confidence of his fellow citizens, we have nothing to apprehend on her part from the evils with which we have been so liberally menaced. Delaware, who has no western country, who carries on little or no trade with the western states, and who has no immediate interest in the present question, has indeed lifted up her voice against the measures of the general administration, and has demanded a more energetic course. I shall be the last man to speak disrespectfully of any of the state governments....I mean not to disparage the conduct of Delaware, and I trust I do not, when I say that New York, which has a greater interest in the Spanish infraction than any of the Atlantic states, is entitled to equal attention; and she has, thro' her legislature and executive, declared her warmest approbation of the course pursued by the general government on this interesting occasion.

It is equally in vain for the honorable mover to declare *that the seizure of New Orleans will facilitate negociation, and avert war....that we will lose our character if we do not....that delay will give Spain time to prepare....that our executive has taken no course that we know of....and that the opposition will lend us their aid if we follow their advice.* In opposition to these suggestions, we say that the seizure of New Orleans is war in fact, and will shut out negociation; that character is to be lost, not by firm and honorable moderation, but by rash and boyish precipitation; that delay is an evil that cannot be avoided, if we pursue the path of negociation, which is the course our government has taken, and that if it gives our adversary time for preparation, it will also furnish us with the same advantage; that however desirable it may be to produce an union of sentiment and action among our fellow citizens, we are certain that it will not result from the adoption of the present measure; that the great body of the people will consider it rash and unjust; and that in gaining the transient and doubtful support of a small minority, we will alienate the affections, and lose the confidence of our best friends, who will certainly desert us when we desert the laudable principles which ought alone to entitle us to their esteem and attachment.

If negociation shall prove successful, and of this I have no doubt, all the evils resulting from war will be averted: If, on the contrary, it shall eventuate unfortunately, and we shall be compelled to face all consequences, and risk all dangers in the maintenance of our national honor and national rights, great and abundant advantages will still result from the pursuit of this course, and we will be enabled to appeal to the sword, with a full conviction of the justice of our conduct ....with the unanimous suffrage of our country, and to the perfect satisfaction of the world. In the mean time, we can form some necessary preparations, and we can ascertain the feelings and bearings of foreign governments. Every day of procrastination will find us better prepared, and will give us more people, more resources, more treasure, more force.... with less debt. Our national character will stand high for moderation and justice; our own citizens, and foreign nations, will entertain but one opinion on the subject; and we can then confidently appeal to that great and good being, who holds in his hands the destiny of nations, to smile upon our cause....but, if in the inscrutable decrees of his providence, it is ordained that we must perish, we will at least fall with dignity, and maintain our character when we lose our existence.

Mr. Dayton rose to answer the interrogatories which had been so vauntingly put by the honorable member from N. York, (Mr. Clinton.) He had asked, Where were those gentlemen, who now advocate these strong resolutions, in that day when the British were committing their depredations upon our property, so lately as in 1794? For one, said Mr. D. I can answer. I was at my post in the other house, and the advocate of measures as strong, nay, stronger than those now proposed. I believed then, as I now do, that if the appointment of an envoy extraordinary could be followed by preparations for war in case of failure, it would contribute, not merely to the success of a negociation, but also to the goodness of the terms. Why did not the gentleman from New York carry his enquiries back to the far more gloomy and trying times of 1776? Had he asked where we then were, said Mr. D. I could have told him that we, or some of us at least, were employed in his own state, upon the interior frontiers, defending the very people whom he now represents, from the irruptions of savages, and the devastation of an enemy. Where was then this honorable interrogator himself? Doubtless in some place of safety, perhaps dangling on the knee of the mother, or probably still in the egg-shell.

To what do all such questions tend? Certainly not to elucidate the subject, nor to conciliate parties. The long list of *extraordinaries*, with which the honorable gentleman from N. York had introduced his argument, must have excited the expectation that his speech would partake of the same quality. Severe in his strictures upon declaimers, his own language was that of declamation....reprobating asperity in debate, on the part of others, he had indulged himself in a style little decorous or becoming, and exhausted against his opponents his full cup of bitterness. He had declared, with a boldness of assertion not unusual to him, that the resolutions under consideration, contained declarations of war: But this was not the fact: They were merely intended as preparations for an event which some regard as inevitable, and all believe to be too probable. They went, indeed, to shew, so far as declarations could do it, that the legislature of the country know our rights and will defend them, and that those of the most distant of our citizens are as dear to us as the nearest. For the people of the western country, said Mr. D. I have long entertained an affection. This affection has not been confined to professions only; for during the twelve successive years for which I have had the honor of a seat in the two branches of the national legislature, my votes will shew that I have been uniform in my exertions to promote the security, growth, and happiness of that people. I have, indeed, regarded them among the most meritorious portions of our citizens, because to them, we who sat in ease and security, were indebted for extending our settlements into the wilderness, protecting an exposed frontier, and for enhancing the value of our territorial possessions; and because, but for them, but for their enterprize, their courage, and their industry, the waters of one of the finest rivers in the world would still flow useless to the ocean, or at least, without use or profit to the Atlantic states represented on this floor. These facts acknowleged, I ask whether we are not bound by the strongest moral and political obligations to make with these people a common cause, to feel their injuries as our own, and to avenge insults offered to them, as if directed immediately against ourselves. What is their present situation? or rather let me ask, what are their grievances and complaints, and what have we done to redress them? The state of that country has been depicted by the senator from Pennsylvania, (Mr. Ross) in colours high indeed, and lively, but most true and just. Whilst he proved that he felt for his brethren and remembered them,....whilst he des-

cribed their wrongs and sufferings in language the most animated, glowing, and impressive, he did not forget the temper which became him as a senator, nor the great line of policy which, as a representative of the whole Union, it behoved him to regard. He told you, sir, what indeed you hear with every western wind and western mail, that the great and only outlet for the productions of nearly half a million of people, was closed upon them, or placed under such prohibitions as to render the navigation of the river almost useless, and that unless immediate relief were afforded them, their property would waste and perish on their hands. Their only resources for paying their obligations to the public, and their debts to individuals, would fail, and the little real property they had acquired, would be sacrificed to make good the deficiency. These, sir, are not imaginary evils, but real: they are not confined to the inhabitants of the western waters, but extend, in their effects, to every part of our country. Allow me here to give a faint idea of the importance of the trade of that country, by reading extracts from a communication made to me, from a source in which I confide, and which is in a great measure drawn from official documents.

[Here Mr. DAYTON read a paper to shew that three articles only of American produce, entered at New Orleans in 1801, (as taken from their custom-house books) amounted to one million, six hundred thousand dollars. These were cotton, tobacco, and flour; and that the other nine or ten principal articles of export from thence, in that year, would have swelled the whole to nearly four millions, but now would certainly exceed it. It further appeared, officially, that from the 1st February to 10th June, 1802, 150 vessels of from 100 to 300 tons, cleared at the custom-house of New Orleans, and that 80 vessels more of from 200 to 300 tons were necessary to take off the produce then in store.... That the state of Tennessee produced one fourth, or one million of it.]

Thus then we see, said Mr. DAYTON, that property amounting to four millions, annually exported in the first six months of the year, is to be embargoed at the will of a foreign government, or the caprice of a Spanish intendant, or, if permitted to pass at all, permitted uder such restrictions and impositions as to take away all the profit of transportation, and render it scarcely worth the raising.

What have we done to remove the obstruction, and redress the wrong? *We have sent a minister itenerant from Paris*

to Madrid, and from Madrid to Paris, to negociate upon the subject. There may be precedent for this: there may be courtesy in the measure; but what are precedents, what are the forms of courtly politeness, to an injured, an outraged, a starving people?

I have thus far confined myself, said Mr. D. to the injury, as relating to the *interests* of the country; but is nothing due to the *dignity* and *honor* of the nation most grossly insulted by the act? Let them who will be the dupes of the artful, insidious insinuation that it is an unauthorized act, an irregular proceeding of a subordinate officer of a government which can punish, with banishment or instant death, the smallest diviation from duty. I do not believe the tale: I never believed it: and a late official act must undeceive all, whose minds are not shut to the impressions of truth. A late proclamation issued from *Baton Rouge*, a Spanish port 150 miles above New Orleans, prohibits all intercourse between Spaniards and Americans. Our people descending the river, in pursuit of lawful commerce, are forbidden to buy an egg or a mess of salt, or any comfort of life, from the possessor of the banks, in the long, dreary distance of 270 miles. This proclamation is issued from their highest post, that it might extend more certainly and rapidly into every settlement; and thus our brethren, without provocation on their part, are cut off from those comforts, which in all countries are granted to all but open enemies. Will gentlemen call this also the unauthorized act of a Spanish intendant? The irregular proceeding of a commandant of a Spanish post, or petty lord of Grandprè? This act was more offensive and more insolent than the other, because it inflicted upon *us* a more serious injury, without the slightest pretext of benefit to *themselves*.

Sir, said Mr. D. *there was a time*, when, if the poorest individual among us could say to his brethren and his government, "*I am an American citizen, and have been insulted as such*," he would have been listened to with interest, and poor and humble as he might have been, the dignity of the country would have been considered as in some measure represented and attacked in him, and its spirit roused to resent the insult. But *there* IS *a time*, when, I fear, we are about to turn a deaf ear, or at least to listen with apathy, to the injuries inflicted upon half a million of our citizens, and the insults offered to the whole nation. I will not say that we are about to act as if honor, rights, and dignity may be graduated by a scale of cents and dollars, and even our liberties and independence have their price; but I will freely say, that tame submission to a

single insult, leads, imperceptibly, to such a result....inevitably, to degradation....and necessarily to ruin.

It has been fashionable of late, Mr. President, with certain gentlemen, who make a boast of their own loyalty, to charge us, who compose what is called the minority, with hostility towards the administration, and a want of confidence in the chief. Without deeming it necessary to deny or admit, in argument, such charges loosely made in the wantonness of debate, we are now prepared to submit ourselves, with them, to the touchstone of acts. If they believe that we distrust the management of our affairs, they will give us the more credit for sacrificing all personal or party considerations, when the good of our country requires unanimity. We are prepared to delegate the power and the means to defend, assert, and enforce our rights, to those hands which are pointed out by the constitution, as the proper depository of so great a trust.

These resolutions are not absolutely imperative: the President may either use or forbear to use them, as he may think best for the public good. They amount to no declaration of war, but may save us from that calamity, by authorizing preparations for it. They cannot injure, but may aid your negociation, and will show to our own countrymen, as well as to the world, that our reliance is placed, not on the soft glittering metals of Mexico and Peru, but on the harder metal of our own mountains.

Mr. Cocke. Mr. President, the gentleman from New Jersey has said, that my friend from New York had furnished a dish for every palate....the gentleman should except his own, for it seems not to agree with him; his dish has been long filled with very different ingredients; he seems to have no relish but for war, havoc, and destruction....his constant food has been standing armies and strong naval establishments, with the offices and contracts attached to them. But how can the gentleman, as a lawyer, pretend to be so ignorant. (Mr. Dayton exclaimed that he was no lawyer, nor never was.) The gentleman, he had always understood to be a law character, but it was very certain, he was no politician; his experience, however, could not have left him ignorant of the meaning of the resolution....for he must have known that the words *may* and *shall* are often considered in law as of the same force, particularly where they are used in defining authority to public officers: the resolutions, in this sense, would leave the executive no choice, but would make it, as it were, his duty to go and take New Orleans.

The gentleman from Pennsylvania has paid very high compliments to that part of the country which he had the honor to represent: He tells us of our militia, of our spirit, and of our taming the wilderness: but with all this eagerness for invasion by our militia, he does not offer us a single man from his own state....he cannot take upon him to say the people of Pennsylvania approve so much of his opinions as to go a single step with him, though Pennsylvania is as much interested in this business as we are.

As to confidence in the administration, he was one of those who was ready to repose all proper confidence in the executive; not under pretences of this and that and t'other kind, but from real respect and knowlege of the executive for 30 years past, in the trying times of 1776, and in all the trying times that followed. The mover of these resolutions tells us, that our attempts at negociation are chimerical, as the wildest project of the human imagination, and he adds, that the insults which we have suffered are such as no other nation ever submitted to; while the gentleman from New Jersey, (M. Dayton) advises to go and drive out the people from N. Orleans, or we lose our advantage; the gentleman from Delaware, (Mr. White) he was sorry to hear indulge in unbecoming expressions towards Spain. Speaking of that country, he talks of the sluggish Spaniard, whom we may easily overcome.... Were these modes of argument or debate consistent or decent in this senate? For his part, he did not wish to assail the territory or the rights of any nation, nor to abuse their characters; but it is the more extraordinary when those gentlemen at the same time tell us that it is France that sets the Spaniards on, and that we are afraid to look the hero of Italy and France in the face. Perhaps those who accuse us thus of fear would be the first to hide their faces from real danger....it is not boasting that makes the patriot or the man of courage; it is coolness and resolution. We do not fear the hero of Italy, or any other hero, but we fear the effects of war, of an unjust and rash war.

We are told, that within a few years our western country, from being the seat of wild beasts, is covered with populous towns and cities....that the country, redeemed from a state of nature, has become civilized and covered with cultivation, and a people enjoying peace, happiness, industry, and commerce; and that their industry is obstructed. All this is admitted, and the evil allowed to be a serious one; but do we countenance or approve of it....do we encourage it? No,

sir, we are as much opposed to this conduct of the Spanish intendant as gentlemen can be, perhaps more seriously so. But suppose we were to agree to arm, would we be prepared, even if we were to begin now, before we can have advice from Europe, and the whole rectified without us. Suppose our militia march to N. Orleans, what would they find there? A grave for the majority of them. The precious boon of health is very scarce there....and our hardiest woodmen from Kentucky and Tennessee, would soon find the climate too much for them.

It was somewhat surprising to him to find gentlemen opposed to the measures of the executive now, who advocated similar measures on a former occasion. The gentleman from Pennsylvania was one of those who voted for the British treaty....and he was a supporter in the senate even for the treaty which granted a tribute to Algiers....and in both those treaties the principle is laid down, that no hostility shall be commenced without a previous complaint or declaration. Then if this conduct was wise and just towards the Barbary powers, it must be so with Spain. Why should not enquiry take place here, when we have the best reason to think the act that of an individual alone? The gentleman undertakes to answer for the western people, and tells us that they are ready to assemble, sword in hand, and go down the river and take New Orleans. We were told on another occasion, that when they would go down, they must be defeated, and that the consequence would be, that they would make terms for themselves, join the French, and become our inveterate enemies! This is the way my constituents are complimented by gentlemen who wish to be considered as their friends. It was surprising that those gentlemen who had never been in that part of the country, and who pretend to know so much about them, should know every thing but what their representatives know to be the truth. But, sir, these frightful spectres have been presented to us in so many shapes, and on so many occasions, that they are no longer calculated to frighten us....and whenever gentlemen are at a loss for arguments, we look for them with as much certainty as for rain from the clouds.

Sir, we do not wish for war in the western countries.... we sincerely wish for peace and good neighborhood; the Spaniards our neighbors appear to be a friendly, candid, honest people; we do not seek a quarrel with them: but if their government should do us wrong, we do not want the spirit to do ourselves right at all hazards....but without that injury, there is no spirit to do them wrong. But whenever the gentleman,

(Mr. Ross) feels his blood warm, the nation must go with him to war, or the national honor is lost....and in this spirit he tells us that negociation must fail. He thought that even if negociation should fail, then the whole national spirit would be roused....and we should go to the assertion of our rights with the greatest effect.

But it is said, that when we return home we shall be told that our conduct has been mysterious, that we have discussed the public affairs with closed doors, that we do not trust the people with their own affairs....and that they would trust us no longer....But, sir, we have no wish to keep any thing secret from our constituents....he had their unanimous confidence, and the only fear he ever felt, was, lest he should not be able to discover what was their best interest. He knew the people would speak in a manly tone to their representatives, as well as to their adversaries, and if their representatives conduct themselves improperly, they will dismiss them....nevertheless, if a question arose between his sense of duty and an apprehension of that kind, he would do his duty, because the people would in the end approve of his conduct. But why does the gentleman so much complain of closed doors, did he suppose any one in that house entertained apprehensions of his persuasive powers? He, for one, thought very little about it. It did not excite his sympathies any more than the metal of Mexico, or of our mountains....he was neither afraid of the thunder of his eloquence, nor solicitous for the plunder of the Spanish mines; if real causes for war arose, he should not expect to see those now so eager for wanton attack in the front ranks. To those then who ask, will you preserve peace where there is no peace, he would reply....that is not the question; the true question is, will you have war where you may preserve peace? Gentlemen want to know, what is the executive about? Why do they not go and ask him....he has no reserves, he will tell them without disguise....that he is solicitous to preserve peace if possible, and if that is not to be done, then to defend the country and assert its rights with the energy and dignity becoming an independent republic.

The gentlemen, in order to shew us how very kind they will be to us, say, that if we will only go to war with Spain, that they will be our pledges to the western people, and that their friends in the other house, and out of doors, would do the same. Why this is very generous of them, and is the more remarkable because it is an uncommon thing with them. But it is very certain that we do not stand in need of their

pledges, nor of their assistance. On former occasions they did not display any of this liberality, and he could not help suspecting their sincerity now. He was against war on any terms but necessity or defence, if there is no alternative he would go into it as heartily as any one. But he had seen war, the war of our independence, and he was averse to a renewal of calamities such as were then suffered. Where were the Mars and Jupiter of the present day in those times that tried men's souls? Where were they when our wives and children were delivered up to massacre? The thunder of Jupiter was then never heard of, and Mars himself was most probably asleep with Bellona....He was averse to war from the example which we had very lately, of the oppressive consequences of a disposition to war, those oppressive taxes and heavy debts, and unpopular laws which we had been saddled with....which we have since repealed, and he hoped never again to see revived.

Mr. J. Mason (of Massachusetts) did not expect to throw much new light on a subject which had been so ably displayed by the mover of the resolutions; he had formed his opinion from mature reflexion, and every argument he had heard offered against the resolutions, only tended to confirm the opinions he had formed in their favor. They had been dubbed war resolutions; but he could not discover any thing of war in them....on the contrary, he considered them as entirely of a pacific character. What do they purport:

"*Resolved*, That the United States of America have an indisputable right to the free navigation of the river Mississippi, and to a convenient deposit for their produce and merchandize in the island of New Orleans:

"That the late infraction of such their unquestionable right is an agression, hostile to their honor and interest:

"That it does not consist with the dignity or safety of this union to hold a right so important by a tenure so uncertain:

"That it materially concerns such of the American citizens as dwell on the western waters, and is essential to the union, strength, and prosperity of these states, that they obtain complete security for the full and peaceable enjoyment of such their absolute right:

"That the President be authorised to take immediate possession of some place or places, in the said island, or the adjacent territories, fit and convenient for the purposes aforesaid, and to adopt such measures for obtaining that complete security, as to him, in his wisdom, shall seem meet:

"That he be authorised to call into actual service any number of the militia of the states of South Carolina, Georgia, Tennessee, Kentucky, and Ohio, and the Mississppi territory, which he may thigk proper not exceeding 50,000, and to employ them, together with the naval and military force of the union, for effecting the object above mentioned, and that the sum of five millions of dollars be appropriated to the carrying into effect the foregoing resolutions, and that the whole or any part of that sum be paid or applied on warrants drawn in pursuance of such directions as the President may from time to time think proper to give to the secretary of the treasury."

Is this not true, do we not agree in this unanimously, will any member of the senate deny it....Is not our right to the navigation of that river a natural and inviolable right? It is not a favor granted to us, but is derived from nature itself; the treaty indeed describes the middle of the river as our boundary, but is it not perfectly free? What objection then can be made to this resolution?-What does it further say, that we have an unquestionable right of deposit at New Orleans; have we not that right? It does not say that we have a right to the territory, but no man can controvert our positive and absolute right to the deposit of our commodities in that territory for ever; it is a right unlimited for ages, and the written instrument under which it is established can never be done away while the *two kingdoms* exist.* It is further declared that this right is important;....can this be denied? nor can it be said to be exclusively important to the people in the immediate vicinity of the Mississippi, for it involves directly or indirectly, the whole of the states...it involves their internal trade, and their credits on the Atlantic side of the un on, and it imposes on the people by diminishing the value of their produce; upon every principle of right and safety the resolutions are supported.

Some gentlemen, nevertheless, doubted that this infraction of treaty was authorised. He did not enter into this spirit of doubt, he had no doubt that it was the authorised act of either France or Spain. It is now from twelve to eighteen months since the rumour of the cession of Louisiana has prevailed, and no authentic information on the subject has ever been furnished to the people of the United States; contradictory rumours had also gone abroad, but to this moment we are in a total state of uncertainty on the subject. How then

* The exact words of the speaker.

are we to account for this secrecy? If Spain determined to deprive us of a right, would she inform us of it by a message? No, she would pursue exactly the conduct she has done. The Spanish minister here, indeed, says, that the act is not authorized, or he should have been informed of it. The plain meaning of this is, that he is not sufficiently informed. The period at which this infraction took place affords strong presumption of the motive and design. It took place at the moment when the French thought they had completely overcome the blacks, and restored the island of St. Domingo to obedience; they had determined that the subjugation of that island should precede the attempt upon Louisiana, and in the moment of their imaginary triumph, they commenced their operations at New Orleans, by the suspension of our right. As to the assertions that Louisiana will be ceded, or is ceded, with a special regard to our limits, he did not regard them.... they were evidently made only to lull us.

The next resolution authorized the President to take possession of New Orleans. This may at first sight have the appearance of war; but if gentlemen will only call to mind their own declarations, that our right is indisputable, then the aggression has been against us. This point is essential to a fair consideration of the case. If, then, they have committed an hostile act, if they have deprived us of a natural and conventional right, if they have broken a treaty, does there any question remain but as to the means that ought to be employed to recover it? On this point the senate is divided....there are two opinions; one for negociating to have the right restored; the other, to possess it without delay. In the choice of one or the other of these recourses, he had no hesitancy; for possession will be the best guarantee to negociation. Without that possession, negociation must be a work of time, and always at the mercy of diplomatic procrastination. What will be the situation of the country in the mean time? The importation ceases, and the export stops....the western people will say that the hand of government, intended for their protection, is withheld from them, that we want zeal, and avoid justice in their cause. Spain and France know the western country as well as we do; they have an intimate knowlege of it; their able men have visited all parts of it. Instead, therefore, of supplicating them, they should be put in the situation of supplicants to us; the inhabitants of that vast tract confide more on the United States than they do on France or Spain. We are therefore taking the most safe and certain measures....it is

the opposition, Mr. President, who are in favor of supporting the executive, and not those who profess to be its friends.

What, sir, is the language that France will hold to you, if these resolutions are not carried? The first consul will say, Why do yo supplicate me, and what regard should I pay you ....you are a divided people, parties are nearly balanced among you, what are your complaints to me? But gentlemen say, the step recommended would be an invasion of their territory, but surely this is not a greater wrong than the invasion of our rights....we do not go to make ourselves masters of the soil; our only object is, to hold them as a pledge for the security of our rights by treaty. Gentlemen had referred to the transactions at Nootka Sound, between England and Spain. If he were to quote any case in preference to another, in support of the resolutions, it would be that. The British landed at Nootka, they erected a fortification, and what did the Spaniards do? They did not wait the tardy course of negociation; they went with a force, attacked the settlement, and broke it up; and when they had taken this precautionary measure, they agreed to negociate, and the effect was favorable as it was honorable to the spirit of Spain. The best way to negociate is with the alternative visible; if we should send by Mr. Munroe the account of our entering and holding the pledge of New Orleans, he might go to France or Spain with double confidence. If the whole province of Maine were invaded by an enemy, it would not be of so much importance as the stoppage of that river; if that was taken, or if the island of New York was in possession of an enemy, would we wait to negociate? The aggression is on their part, and the consequences they alone ought to be accountable for.

The resolutions he did not consider as imperative on the executive; but if gentlemen were desirous of so altering the phraseology, as to render them more explicitly optional, he was willing to accommodate them, and to leave it in the breast of the President to take possession or not, as the exigency may require....money and men are offered for his use, and he may use or not use them, according to his own judgment. In the course taken, we are pursuing a shadow....we are in truth sleeping under injury. War was certainly a serious thing, but all nations have been obliged to resort to it....it produces an energy in the human character, which never exists without it; what was the effect on our own country, under a strong sense of injury....and at a time when we were so many degrees inferior in numbers and resources to what we are at

present ?....At the commencement of our own revolution, we had scarcely any resources, yet armies were raised, arms and arsenals provided, and we triumphed over the most powerful nation then in Europe. We suffered some evils, in the loss of many brave and valuable men; but even in that loss we had the consolation, as it produced an energy, a heroism, that will immortalize them to the latest posterity. It has been insinuated, that such a step would alarm foreign nations.... But turn your attention to the immediate consequences. *It would be impossible for us to be involved in a war with France or Spain without having the navy of Great Britain on our side; necessity and the wisest policy would unite us, and we should bid defiance to all the maritime powers.* But on the other hand, is not France as desirous of peace as any nation can be, is it not her interest to be at peace, seeing the immense conquests which she has made and secured? Do we not also know that Great Britain feels an eternal jealousy of her rival, and is she not this moment interfering, not to rescue her own territories, but to preserve the territories of others from being devoured. He was, upon the most mature examination of the subject, in favor of the resolutions....and against the amendments.

General J. Jackson, (of Georgia.) Coming from a state, at the extreme of the Union in the south, and excepting the states immediately interested in the navigation of the Mississippi, the most concerned on the present occasion, of any in the Union, he hoped it would not be deemed improper in him to offer his sentiments on the resolutions before the senate; for, sir, no event can affect the settlers on the Mississippi, no change of masters can take place there, without the shock being felt on the frontiers of Georgia. The nation which holds New Orleans must eventually possess the Floridas, and Georgia cannot remain an indifferent spectator....in case of war, the blow struck on that river will be vibrated on the Saint Mary's, and the attack on the one will be seconded by an attack on the other.

The gentlemen from Kentucky and Tennessee have not those fears expressed by the gentleman from Pennsylvania; they have declared their citizens satisfied with negociation in the first place, and the conduct pursued by the executive.... He could say the same, as respects the citizens of the state he represents, and begged leave to read a letter on the subject, from a respectable gentleman of Georgia, applauding the appointment of Mr. Munroe. [*He here read a letter expressing the approbation generally expressed at the nomination.*]

That there has been an indignity offered to the United States, by the Spanish government of New Orleans, he should not deny; so far, he joined the gentlemen on the other side, as not only to declare that sense of it, but to assert that the withdrawing the right of deposit, given under the 4th article of our treaty with Spain, concluded at San Lorenzo el Real, prior to the pointing out another place for that purpose, is such a violation of our right, and such an insult to the dignity of the nation, as ought not to be put up with in silence. We ought, we are bound to demand a restoration of that right, and to secure it to our western citizens, let the risk be what it may, if it even extends to life and fortune. He cordially agreed with the gentleman who had preceded him, (Mr. MASON) that it is a momentous subject....but could not consent to go at once to war, without trying in the first place, every peaceable mode to obtain redress.

But the gentleman sees no war in the resolutions of the gentleman from Pennsylvania, (Mr. Ross.) He could not agree with him on that point; let us examine them, and it will not only be found that they contain war measures, but that part of the premises on which we are called upon to go to war, are not founded. The first part of the resolutions declares, That the United States have an indisputable right to the free navigation of the river Mississippi, and to a convenient place of deposit for their produce and merchandize, in the island of New Orleans. Now, sir, the former part of this resolution is not affected by any proceedings of the Spanish government. You are as perfectly in possession of the right as you ever were....your vessels are at this moment freely navigating that river....you have not heard of a single interruption....you have not learnt that the Spaniards, so far from interrupting that navigation, have ever doubted your right. Why then, sir, resolve on the assertion of rights which are not questioned, but of which you are completely in possession. He could compare it to no other case than that of a man in private life, in peaceable possession of his house, resolving on and publishing his own right to it, and thereby rousing the suspicions of his neighbors to doubt his title to it. Passing over the latter division of the first resolution, and which he acknowleged to be the fact, let us consider the second proposition, "That the late infraction of such their unquestionable right, is an aggression hostile to their honor and interest." Sir, after a declaration of this kind, can you retract? You cannot; it is in fact a declaration of war itself. Many of the courts of Eu-

rope would consider it so, and have engaged in war for less cause of offence than this resolution contains. You pronounce at once, without knowing whether the proceedings at New Orleans were sanctioned by the court of Spain, that, *that* nation is in a state of hostility against your honor and interest, which declaration, coupled with the following resolution.... "That it does not consist with the dignity or safety of this Union to hold a right so important by a tenure so uncertain," is a direct insult to that nation. But if war is not to be found in those resolutions, is it not in the fifth resolution, "That "the President be authorized to take immediate possession "of such place or places in the said island, or the adjacent "territories, as he may deem fit or convenient." Is this not war? If it be not, he knew not what war was! And now let us enquire, if we should be justified in adopting those measures, on the grounds of public or private justice, or the laws of nations.

Sir, The going to war has always been considered, even among barbarous nations, a most serious thing; and it has not been undertaken without the most serious deliberation. It was a practice among the Romans, prior to undertaking a war, to consult the *Faciales* on the justice of it; and after it had been declared *just*, to refer it to the senate, to judge of the *policy* of it; and unless the *justice* and the *policy* were both accorded in, the war was not undertaken. If this was the case then, among barbarous nations, shall we who call ourselves a civilized nation, not well weigh the justice and the policy of going to war, before we undertake it. Two gentlemen who had preceded him, (Messrs. BRECKENRIDGE and CLINTON) have read some passages on those points, from the law of nations, and he begged to be indulged in reading one or two more; they are from *Burlamaqui*, 2d vol. p. 264, ch. 4, of those things which ought to precede war: "However just reason, says this author, we may have to make war, yet as it inevitably brings along with it an incredible number of calamities, and oftentimes acts of injustice, it is certain that we ought not to proceed too easily to a dangerous extremity, which may perhaps prove fatal to the conquerer himself. Supposing the reason of war is just in itself, yet the dispute ought to be about something of great consequence; since it is better even to relinquish part of our right, when the thing is not considerable, than to have recourse to arms to defend it."... Again, "We ought to have at least a probable appearance of success, for it would be a criminal temerity to expose our-

selves to certain destruction, and to run into a greater in order to avoid a lesser evil." "Lastly," says this writer, "there should be a real necessity for taking up arms; that is, we ought not to have recourse to force, but when we can employ no milder method of recovering our right, or of defending ourselves from the evils with which we are menaced. For, as a sovereign ought to take particular care of the state, and its subjects, he should not expose them to the evils with which war is attended, except in the last extremity, and when there is no other expedient left but that of arms."

What is our course then to pursue? Is it to go immediately to war, without asking for redress? By the law of nations, and the doctrines of all writers on them, you are not justified until you have tried every possible method of obtaining redress in a peaceable manner: it is only in the last extremity, when you have no other expedient left, that a recourse to arms is lawful or just; and he hoped the United States would never forfeit her character for justice, by any hasty or rash steps, which she may too late have to repent of....when she can have recourse to another method which may procure a redress of the wrong complained of.

Let us now look to the policy of adopting those resolutions, which must inevitably involve the United States in war, and stir up the jealousy of European nations. They watch you already with a jaundiced eye, although the nation is in its infancy. Yes, sir, our nation is as it were, in comparison with other nations, an infant; but it is a Hercules in its cradle, and they know it! They will seek every means to check its rapid, giant-like growth; and they will seize on every occasion to curb it, if they perceive any serious evidences of its ambition. Your taking possession of New Orleans would afford such evidence; it would rouse them....they would be alarmed for their own possessions near you, and would combine to put a stop to your career. Would it be honorable then, sir, to retrace your steps after you have taken possession? Would it comport with the national honor and dignity we have heard so much about? He need not answer the question.

To induce us to seize the present moment in taking possession of the island, an honorable gentleman from Delaware, (Mr. White) has told us, that if we delay the present moment, we shall not meet a weak, an inanimate enemy....the sluggish Spaniard....the slave of France....but the bayonets of the invincible band of French grenadiers! Sir, in such

a hostile proceeding, as we are called on to adopt, he believed that even the sluggish Spaniard would be roused from his slumber, and join in the cry against us.

An honorable gentleman, the mover of the resolutions, informed us the other day, That by negociation, you would not only take away every chance of payment of the spoliations on our commerce by Spain, from the merchants; but you would also take away all ability from the western people to pay those merchants what they owed them at home; whereby they would be double sufferers....Shall we reverse this picture, and see how the merchants would fare if the resolutions were to be adopted?....Sir, they would be received as a measure of decided war, a perfect war manifesto;....and the property of your merchants, their ships, their merchandize, that are scattered over the globe....they would be embargoed in every port of France and Spain, and captured in all directions....The capital of your merchants would be destroyed, and the hopes of redress for former spoliations be destroyed with it; and then we should be little nearer the main object of redress, as to a place of deposit, than we are at present....on the contrary, a negociation will place your merchants on their guard, they will watch its result, and afford them an opportunity to secure their property.

Sir, as to national honor and dignity, he believed we have all a proper sense of it, and he would be one of the last on this floor to put up with insult and indignity from any nation; but, sir, as much as we have heard of it, he did not think we ought, without negociation, to resent every injury by war. In many cases, sir, national honor is only a convertible term for national interest, and he begged leave to relate an anecdote of a celebrated soldier on this head. After the failure of the attempted storm of Savannah, in the year 1779, count D'Estaing, who was wounded in the attack, and lay in that situation about five miles from Savannah, was visited by governor Rutledge and other gentlemen of South Carolina and Georgia. The governor having perceived some movements in camp indicative of a retrograde motion, told the count that his own honor and the honor of France were concerned in his remaining and taking the city. The count very mildly replied...."Gentlemen, if my honor is to be lost "by not taking the city, it is lost already;....but I deem my "honor to consist in the honor of my country, and that honor "is my country's interest!"....The time of operation in the West Indies was arrived, and the count re-embarked his troops.

Now, sir, is it not our duty to consult our country's interest, before we take this rash step, which we cannot recall? peace is the interest of all republics, and war their destruction ....it loads and fetters them with debt, and entangles not only the present race, but posterity. Peace, sir, has been the ruling policy of the United States through all her career....If we shew the citizens that we are not willing to go to war, and load them with taxes, they will all be with us when a necessity for war arrives. What, sir, was the policy of America, from the commencement of the revolution? At that day, did we hastily go to war? No; we tried every peaceable means to avoid it, and those means induced a unanimity in the people ....At the commencement many states were exceedingly divided, in some a majority were against us....yet, seeing the moderation and justice of our measures, and the rashness and tyranny of the British cabinet, they came over to our side, and became the most zealous among us....At the present moment, sir, the people are averse to war, they are satisfied with the steps of the executive, they wish negociation....if you adopt those resolutions, they will be still divided....if you negociate, and fail in that negociation....if you cannot obtain a redress of the injury which they feel as well as you, they will go all lengths with you and be prepared for any event; you will have this advantage, you will be unanimous....and America united is a match for the world. In such case, sir, every man will be anxious to march, he would go himself if called on, and whether the sluggish Spaniard or the French grenadier commands New Orleans, it must fall; they will not be able to resist the brave and numerous hosts of our western brethren, who are so much interested in the injury complained of. He was himself of opinion that New Orleans must belong to the United States; it must come to us in the course of human events, although not at the present day; for he did not wish to use force to obtain it, if we could get a redress of injury; yet it will naturally fall into our hands by gradual but inevitable causes, as sure and certain as manufactures arise from increased population and the plentiful products of agriculture and commerce. But let it be noticed, that if New Orleans by a refusal of justice falls into our hands by force, the Floridas, as sure as fate, fall with it. Good faith forbids encroachment on a pacific ally; but if hostility shews itself against us, interest demands it; Georgia in such case could not do without it....God and nature have destined New Orleans and the Floridas to belong to this great and rising empire....As natural

bounds to the south, are the Atlantic, the Gulf of Mexico, and the Mississippi, and the world at some future day cannot hold them from us.

Sir, we have been told much by the gentleman from Delaware (Mr. WHITE) of Bonaparte, that he is the hero of France, the conqueror of Italy, and the tyrant of Germany, and of his invincible legions. Much as he respected the fame and exploits of that extraordinary man, he believed we should have little more to fear from him than from the sluggish Spaniard. Bonaparte, sir, in our southern country, would be lost, with all his martial talents; his hollow squares and horse artillery would be of little service to him in the midst of our morasses and woods, where he would meet not with the champaigne country of Italy, with the little rivulets commanded by his cannon, which he could pass at leisure; nor fortified cities which command surrounding districts; but with rivers miles wide, and swamps, mortal or impenetrable to Europeans. With a body of only ten thousand of our expert riflemen around him, his laurels would be torn from his brow, and he would heartily wish himself once more safe on the plains of Italy. What, sir, would be forty or fifty thousand French, in those impenetrable forests, to the hosts which would be poured down the Mississippi. But, sir, should Bonaparte send an army of forty thousand men here, and they should not be destroyed by our troops,....within twenty years they would become Americans, and join our arms.... they would form connections with our females, intermarry with them, and insensibly change their habits, their manners, and their language. No other people can long exist in the vicinity of those of the United States, without intermixing and ultimately joining with them.

The sacred name of Washington has been unnecessarily appealed to, on this as on many other occasions, and we have been boastingly told that in his time no nation dared to insult us. Much, sir, as he revered his memory and acknowledged him among the fathers of his country, was this the fact? Was he not insulted....was not the nation insulted....under his administration? How came the posts detained after the definitive treaty by Britain? What dictated that inhuman deed to stir up havoc and destruction among us? Lord Dorchester's insolent and savage speech to the hordes of Indians on our frontiers, to massacre our inhabitants without distinction. Were those not insults, or have we tamely forgotten them? Yet, sir, did Washington go to war? he did not, he prefer-

red negociation, and sent an envoy to Britain; peace was obtained by a treaty with that nation....he should not inquire at what price....but these were the steps taken by him. Shall we then not negociate....shall we not follow the leading feature of national policy....He hoped we should, and by doing so we shall become unanimous. We are all actuated, he hoped, by one view, but differ on the means....let us do justice by requesting our neighbour to do justice to us, by a restoration of our rights....let us shew the nations of the earth we are not anxious for war, that scourge of mankind....that we bear patiently our injuries in, hopes of redress, and that nothing but absolute denial of justice, which will be additional insult, shall induce us to it. But, sir, if forced to war contrary to our policy and our wishes, let us unsheath the sword and fling away the scabbard, until our enemies be brought to a sense of justice, and our wrongs are redressed.

He apologized to the house, it was a late hour and he would not longer detain them, although he had many more observations to offer on the remarks of gentlemen which have been made on this floor; that we may be guided in our deliberations by prudence as our advanced guard, and determination as our rear, was his sincere prayer, and that the result of those deliberations may be for the advantage and happiness of our common country.

Mr. Tracy rose and moved that the house now adjourn. Adjourned accordingly at half past five o'clock.

Thursday, February 24.

Mr. Wells (of Delaware) said he had listened yesterday, with great attention to gentlemen who had opposed the resolutions moved by his honorable friend, (Mr. Ross) from Pennsylvania. I cannot say that I expected, but I did entertain at least a faint hope they would be able to satisfy us that our fears were groundless....that the honor of our country was unblemished....its interests not impaired....its safety not endangered. But had I a doubt before, it no longer remains: their arguments have convinced me more than ever that we have not a moment to lose. Yet, sir, almost the whole of the present session has passed away without a single measure of defence being adopted. Even now I foresee that these resolutions will be laid aside. I rejoice, however, to find that they are likely to produce one good effect; they have at last roused gentlemen from the false security in which they have so long reposed. If the resolutions now under discus-

sion do not prevail, I will not refuse to vote for the amendment proposed by the honorable gentleman from Kentucky (Mr. BRECKENRIDGE.) I prefer the resolutions because they go further and apply the remedy directly to the evil: the amendment contemplates the possibility of a failure of negociation, and makes some provision for such an event.

These resolutions have been opposed upon two grounds; First, It is alleged that the conduct of the intendant at New Orleans is not authorised by the court of Spain. Second, It is said that we are bound by moral obligation to resort to negociation before we attempt to redress ourselves.

Did I even believe, with gentlemen on the other side of the house, that the violation of our right of deposit was the act of the intendant alone, I would vote in favor of these resolutions. I should still be for going down, and taking possession of New Orleans, and thereby putting in check the power of the intendant, until we could hear from Europe. If we are to wait for the result of a negociation just now commenced, consider the situation of the western country in the interim. Half a million of your citizens are cut off from all intercourse with the rest of the world....every kind of business there is at a stand....the farmer's produce is rotting on his hands....industry is paralized....emigration discouraged....the value of their lands diminished....all ability to comply with their engagements with each other....with the government of the United States, or with their own state governments, is taken from them. This is an extremity to which I can never consent to reduce them. Let us, rather remove the obstruction to the navigation of the Mississippi immediately: and if in the course of the negociation it should be proven to our satisfaction that the violation complained of was not authorised by France or Spain, and that both nations were resolved to respect our rights, New Orleans might then be restored. No cause of umbrage would be given to either nation. They would both see the extent of the injury we were likely to sustain by the criminal conduct of their agents; and, if they were honest, they would sincerely rejoice that we had in time guarded against it.

Gentlemen have persuaded themselves that the conduct of the intendant is not authorised by the Spanish, or French government, but what reason have they assigned us in support of this opinion? They tell us of the friendly assurances received from the Minister of his Catholic Majesty resident near our government; and they place considerable stress upon

the circumstance of the governor of New Orleans disapproving of what the Intendant has done. I will not stop to speak of the imprudence of reposing themselves upon the assurances of a minister, perhaps expressly instructed to mislead them. But why have they trusted to the imaginary collision of sentiment between the governor and intendant of New Orleans? Do not gentlemen know that our government is in possession of testimony, demonstrating beyond all kind of doubt, that this is not the fact? Have they not seen the letter of the governor of New Orleans to the governor of the Mississippi territory. In this letter I learn that the governor comes out and acknowledges his co-operation with the intendant....justifies the breach of the treaty, and declares that these instruments cease their binding force the moment it suits the interest of either party to break through them. Alas! the history of the world furnishes us too many evidences of this melancholy truth. But this is the first time that any nation has had the hardihood to avow it. No, sir, even Carthage herself, who became proverbial for her disregard of treaties, never attained to a point so profligate. If I am incorrect in my statement, honorable gentlemen, who have easier access to the sources of official information than is permitted to us, will set me right. Why has this document been so sedulously kept from the public eye....why it should be even now so carefully locked up, is a mystery not for me to unravel.

We are told that there is a moral obligation imposed upon nations, to try the effect of negociation, before they attempt to redress themselves. I do not admit the force of this rule, where negociation is not expected to succeed....where it cannot in its nature afford effectual relief. Believing as I do, that negociation must fail, I am not for trusting to that alone. It has long been evident that the French have attached to these territories upon our frontier, an importance which of themselves they do not bear, and which can only be attributed to them on account of their connection with our southern and western states. If you treat, therefore, for an extension of your limits, you will be disappointed. If you negociate respecting the right of deposit, and should succeed, you will obtain no better security than that which has already been found ineffectual. For my part, I am strongly impressed with an opinion that the French consul has a project in view, deeply hostile to the prosperity of our country. One great object with the French, is to increase their maritime strength. The position which they are about to take in New Orleans,

will soon put them, at our expence, into the possession of an immense carrying trade; and reduce under their influence the fairest portion of our empire. Perhaps I may be asked, does the French consul imagine that the people of the United States will consent to see subjected to foreign domination any part of their territory? This is an enquiry which Bonaparte has not been much in the habit of making. He knows the extent of the means he possesses in this country. It is but a few years since violent jealousies prevailed between the Atlantic and western states. Fortunately they have now subsided: these jealousies he will endeavour to rekindle. Possibly he may calculate upon detaching the people on the seaboard from the support of their brethren on the western waters. He has already succeeded in concealing the hand which guided the pen of the intendant at New Orleans. His troops are probably now approaching our shores, and what means of precaution have you adopted? Let not gentlemen flatter themselves that Great Britain will interfere to arrest this scheme of French aggrandisement. That government is already staggering under its own burthens. Their tottering situation has been acknowledged on the floor of the British Parliament. She is obliged to look on, and tamely submit to the extension of the Gallic power, in all quarters of the world: she knows that her rival is strengthening herself in every direction. Notwithstanding the cession of Louisiana, New Orleans, and, perhaps, the Floridas, was carefully concealed from her at the treaty of Amiens, she is now acquainted with it, and yet she sees the armament destined for these countries preparing to depart, without daring to remonstrate. No, sir, every dependance that we place on any other than our own exertions, will be vain and illusory. Let us be but united and true to ourselves, and there is no enemy we need fear.

I see no other course for us to pursue than that pointed out by the resolutions. Our interests, our honor, and our safety require it to be adopted. I am aware that the alarm of war will be rung through the country. I know full well the pains that will be taken to impress an opinion upon our fellow citizens that we are the friends of war. This we cannot help: the danger with which our country is threatened, will not permit us to shrink from the discharge of our duty, let the consequences to ourselves be what they may. Let me ask you, with my honorable friend from New Jersey (Mr. Dayton) what stronger evidence can we give you of the sincerity of our intentions than the resolutions themselves? So far from

cramping, or diminishing, the power of gentlemen opposed to us, in a crisis like the present, we only offer to strengthen their own hands. Had the advice of an honorable gentleman near me (Mr. Morris) been listened to when you were disbanding your army, this crisis would not have happened. Had you then posted at the Natches, as he recommended, a thousand soldiers, the navigation of the Mississippi would not now have been interrupted. He foretold you what would happen, and his prediction has been literally fulfilled.

There is but one fault I find with these resolutions, which is, they do not go far enough. If I could obtain a second, I would move an amendment explicitly authorising the taking possession of both the Floridas as well as the island of New Orleans. In one respect I entirely accord with the honorable gentleman from Georgia, (General Jackson) and I admire the manly and decisive tone in which he has spoken upon this subject. We both agree that the Floridas must be attached to the United States; but we differ in point of time. The violent aggression committed upon our rights, and the extent of the danger with which we are threatened, in my humble opinion, would amply justify our taking possession of them immediately. Look at the relative situation of Georgia, the Mississippi Territory, and the Floridas, and it will require very little of the spirit of prophecy to foretell that we shall, ere long, be compelled to possess ourselves of them in our own defence. There is but an imaginary line running between them: let the French be but once settled along that line, and they will have the whole of your southern states at their mercy. Unhappily there is an inveterate enemy in the very bosom of those states. You might as well attempt to stop the course of the plague, as to arrest the subtle and dangerous spirit they would, the moment it suited their interests, let loose among the helotes of that country. Then you would have lighted up there a domestic war, which could only be extinguished in the blood of your citizens. But I cannot agree with the same gentleman from Georgia, when he says, that the French, if they were landed even in hostile array upon our shores, would soon forget their enmity to us; and marrying with our females become our fellow citizens. The French never forget to love their own country. How many instances did we see of this national character even among the royalists who were driven out of France during the revolutionary convulsion? Did their hearts even refuse to palpitate with joy when the news of a brilliant victory obtained by their

countrymen was announced to them, because it was atchieved under the auspices of their persecutors? No, sir, they may act over again the rape of the Sabines, but they will form no other connection with our fair countrywomen.

We have received many and repeated assurances from honorable gentlemen on this floor, who represent those states most immediately effected, that their constituents are perfectly satisfied with what has been done by the government in their behalf. They ought, it is true, to be better acquainted than we can be, with the wishes of the people among whom they live, and who have selected them as the guardians of their rights. But I think they will find themselves mistaken. Is it possible that half a million of people will contentedly submit to be cut off from all communication with the rest of the world during the progress of perhaps a tedious negociation? No, sir, such is the pressure of their wrongs....so ruinous is the aggression....they cannot submit....they must....they will....nay, I had almost said, they ought to redress themselves. The serpent which has coiled itself at the very portal of their fair mansion must be destroyed. They will have neither France or Spain to guard the fruit of their delightful garden. They know full well the importance of New Orleans....They already consider that port as the Thermopylae of their country. It is there they will and ought to make a stand in defence of their liberties, and I pray to God that their struggles may be crowned with victory.

Mr. WRIGHT. When the gentleman from Pennsylvania, (Mr. Ross) was first about to introduce his resolutions; after making very voluminous prefatory remarks, he touched on ground that was conceived to be forbidden; and was, therefore, called to order; and that the subject of order might be decided, without the disclosure of that which we conceived ourselves bound to conceal: a motion was made and seconded to shut the doors, which, by a rule of the senate, was therefore a matter of course, and his resolutions were not then submitted....Afterwards, on the day he presented them, he introduced himself by remarking, that on his previous attempt to present his resolutions, he had been called to order, and stopped from proceeding by a new mode, that of shutting the doors, and insinuated that the senate wished to avoid a public discussion of his resolutions, and to conceal from the people what they ought to know: that we were afraid of the influence of his arguments on the public mind; when he well knew, we wished only to conceal what *we* felt ourselves in honor

bound not to reveal....but if he himsself did not wish to conceal the truth, why did he not inform the house, or rather the public, for whom his speech was intended, that while the doors were shut, it had been determined "so far as related "to the subject on which he had been called to order, that it "must not be touched on," and that a seal of secrecy had been fixed on his lips? Did he suppose we would suffer his unfounded insinuations to pass unanswered? Or did he feel himself justified in the suppression of this fact, because its relation would have exculpated himself? The solution of this question must rest with him....but thus, inauspiciously he presents himself in the opening of this business; and as we pursue him, we shall find him incorrect in his premises, or illogical in his conclusions; and more impolitic than either....Instead of endeavoring to support the measures of the administration, and to cultivate the arts of peace, he is attempting to excite the western people to revolt against the government, by a seditious appeal to their passions, and to sound the trumpet of war in their ears, by a speech highly inflated with immature wrath, and rash declamation, against the Spanish government.

1st. That they had captured our vessels and imprisoned our seamen.

2d. That they had permitted the French to fit out privateers in their ports, to cruise against our commerce.

3d. That they had permitted French consuls in Spanish ports to condemn our vessels captured by French cruisers.

4th. That they had obstructed our navigation of the Mississippi, and denied us the right of deposit at New Orleans.... and to crown the whole, had insultingly issued proclamation upon proclamation, interdicting the exercise of these rights.

The gentleman, however, not content with this phillippic against the Spanish government, rashly charges our own government with a total neglect of, and criminal apathy to the interests of the western people. That no nation, either ancient or modern, had ever suffered such indignities, and that our executive had taken no steps to redress the injury....not a soldier to assert our rights....not a soldier to avenge our wrongs....that the western people would not, that they ought not to submit to it, but ought immediately to take possession of the mouth of the Mississippi, and for that purpose he submitted his resolutions, now before us.

In considering this subject, he would endeavour to give such an answer to the several parts of the gentleman's obser-

vations as appears to him to deserve attention, as well as of those of the gentlemen who have followed him on the same side. He would take up the subject in the gentleman's own order.

1st. That the Spaniards had captured our vessels and imprisoned our seamen. Of this there was no doubt.

2dly. That they had permitted the French to fit out privateers in their ports to cruise against our commerce. This was also admitted.

3dly. That they had permitted French consuls in Spanish ports to condemn our vessels taken by French cruisers. This was not denied.

But he asked the honorable gentleman, if Spain has refused to make us compensation for the spoliations committed on our commerce, by her *own subjects?* He asked, if Spain could avoid the acts committed by the citizens of France in her ports, when she herself had been constrained to sue for peace, and to accept it, on such terms as France inclined to impose? And he asked, if these aggressions did not happen during the late administration, when the gentleman and his friends were in full power: and whether it was then proposed to redress them by the sword? These things are well known, and that our minister at Madrid was then charged to sue for redress for these aggressions, and that they were all in a train of adjustment, before the present administration came into power; and he asked, if we have it not now entirely in our power to settle the spoliations on our commerce by the *subjects* of Spain, in the same manner that former administrations have thought just and honorable, in like cases? And whether we have it not in our power to settle the aggressions of French citizens, in the ports of Spain, for fitting out privateers, and condemning our vessels by French consuls, upon the principles of *strict morality*, if not on the more defined principles of the law of nations?

These complaints ought therefore to have been out of the question, and ought not now to have been brought forward to foment the difference between the two nations; but were no doubt purposely intended to sour the American mind against Spain, and to prepare it to act intemperately on the present occasion.

4thly. That they had obstructed our navigation of the Mississippi. This he denied. But that the *intendant* at New Orleans has put in force the law of Spain, interdicting the

commerce of *all* nations with the Spaniards at New Orleans, and that *he* had construed it, to prohibit our right of deposit there....he admitted; but that his construction of that law is by the authority of Spain, he did not believe; and our right being secured by treaty, must be paramount to that law.

That all America would unite in asserting our right of deposit, secured to us by the solemnity of a treaty, he had no doubt, nor had he ever heard any gentleman of either house, express one; on the contrary, they had unequivocally declared their opinion, that the right was all important, and ought to be secured at all hazard: but as to the means of doing this, gentlemen widely differed. He, for his part, felt it due to Spain, he felt it due to our national character, *to know*, whether the act was *authorized* by the *Spanish government*, or *justified* by *them*, before he could *ascribe* it to *them*, and in this he was governed by the letter and the spirit of the law of nations, and also by the spirit of our own government.

But, sir, our own government is charged with a want of sensibility to the sufferings, and a total neglect of the violated rights, of the western people....but how justly....the public will decide, on a candid review of their conduct. The moment the President obtained the information of this act of the *intendant* at New Orleans, in arresting our right of deposit at that place, he applied to the Marquis de Casa Yrujo, the minister of Spain, resident near the government of the U. States, who gave him the most positive assurances, that he had no knowlege of the subject that would induce him to suppose that his Catholic majesty had any intention to violate the treaty, by which that right had been secured; and gave every assurance of his majesty's friendly disposition towards the United States ....he at the same time sent dispatches to his own government on the subject; and in his honest zeal for peace between the two nations, immediately dispatched a boat to the intendant at New Orleans: and also sent dispatches to the governor at Havannah....he also assured our government that the intendant, and the governor at New Orleans, differed in the construction of the orders given to the intendant by the Spanish government, which were, "to put in force the law heretofore in operation in the Spanish territory, prohibiting all kind of commerce with *all* nations, with that province," which had been suspended during the late war; by virtue of which, the intendant, (although not a word was said about prohibiting our deposit at New Orleans) thought himself bound to prohi-

bit the citizens of the United States from contracting with the Spanish merchants at New Orleans, for the storage of their goods at that place, which had been secured by treaty.

The President immediately gave it in charge to our ministers at Madrid and at Paris, to enquire into the aggression, and whether it was done by the authority of either of those courts. He also enquired of the minister of France, Mr. Pichon, resident near the United States, whether he could give any information on that subject, as it became at least equivocal in whom the territorial right of New Orleans then was; and therefore questionable whether the intendant might not be acting under the authority of France; and here also we received assurances of the most friendly disposition, and that the intendant was not acting by the authority of France.

These were the natural, the *legitimate*, and indeed the *only* measures he could adopt, till the meeting of Congress. No sooner had Congress convened, than he officially informed us of this aggression on our rights, and was so much alive to the western interest, that he immediately after proposed sending the honorable James Munroe, Esq. a special envoy, to be united with our minister at Paris, or at Madrid, as the case might require, to place our western *interests* on the most secure basis....who, going immediately from the United States, charged with our sensibilities on this recent violation of this invaluable right, would shew that we were not only alive to the subject, but very much in earnest, and would furnish the best founded hopes of success. This minister had been approved of, and was now on his way. This, sir, has been the conduct of the executive.

But we are told that we have not a soldier to assert our rights....not a soldier to avenge our wrongs; and this also is a charge against the executive. What, sir; has the gentleman forgot that the President has no right to raise a single soldier? Has he forgot that the power of declaring war is vested in Congress alone? No, sir; these things he well knew, and that the President had done every thing he was authorized to do, and that both houses of Congress had approved of every step he had taken. But, sir, it is not difficult to account for gentlemen's extraordinary sensibility to the violated rights of the western people, or their pretended warmth and zeal to avenge their wrongs; it is all to be found in the political history of the times....it is with a design to stir up the western people to a belief that the government is insensible to their sufferings, and inattentive to their interests....it is with a view to a revolution

in the political opinions of the western people ; but which they will see too plainly, to be beguiled from their path of political rectitude ; and the division in this case will shew it to be a party question, particularly when it is known that every republican member in both houses of Congress, even those from the western country, approve of the pacific measures that have been adopted.

We are told that no nation, either ancient or modern, had ever suffered such indignities....and we are now emphatically called on to avenge them by the sword without asking for redress. Can this be right? No, sir; the honorable gentleman from New York, (Mr. CLINTON) yesterday proved, by a train of arguments not to be resisted, that it had been the practice and usage of the nations of Europe, to endeavour to settle their differences, first, by negociation, and not to appeal to arms till redress had been denied: and he would now shew by the law of nations, that the act of the intendant is not to be ascribed to the Spanish *government*, unless done by *their authority* or *approbation*, and that if the act had been done by authority, it would be violative of both the precepts and practice of our own nation to avenge it by the sword, till negociation had been tried in vain. To the first point, he would shew by Vatel, 252, § 73, " That as it is impossible for the best regu- " lated state, or for the most vigilant and absolute sovereign, " to model at his pleasure, the actions of his subjects, or to " confine them to an exact obedience, it would be *unjust* to " *impute* to the *sovereign* the *faults* of his *subjects;* we ought " not *then* to say we have received an *injury* from a *nation*, " because we have received it from one of its members." Again, § 74, " But if a nation *approves* the fact committed " by a citizen, it *makes* the act its *own*, and the offence ought " *then* to be attributed to the nation."

But the honorable gentleman from Delaware, (Mr. WELLS) tells us, that to excuse Spain from the act of the intendant, we ought to prove that the King of Spain did *not* authorize it....What, are we to prove a negative? He presumed not ; but if we have recourse to the evidence in the case, which is all that time and circumstances will admit, we shall have no doubt on this subject.

The Spanish minister tells us, it is not by the authority of Spain. The French minister tells us, it is not by the authority of France. The governor at New Orleans says, it is by no authority ; but a misconception of the intendant's orders....And the order to the intendant itself, shews, that it is

to put in operation, a law, interdicting the right of *all* nations to trade, barter, or commerce with the Spaniards in that province, without mentioning our right of deposit, secured to us by treaty, *posterior*, and *paramount* to that law, which must be satisfactory, (being the best, nay, the only evidence to be now expected,) that the act is without authority. Yesterday we were told by the honorable gentleman from Delaware, (Mr. White) that there was a private letter in town from New Orleans, "that the act was by the authority of France." To-day he presumed that was given up, as his honorable colleague, (Mr. Wells) tells us that he understands the President has received a letter on this subject, "avowing the authority of Spain to do the act." This he conceived equally incorrect. Can it be believed, sir, that the executive can be in possession of a document of such importance, and while we are acting on the subject, *secrete* it from us? No, sir, it would be to make him an accessary....it is impossible...it cannot be true.... there is then no evidence that it is the act of Spain, unless we substitute our inclinations for evidence, and thus violate the law of nations, by unjustly ascribing it to her. This, he trusted, would not be done. But, sir, if it had been done by her authority, still he should insist, that it would not only be contrary to the practice and usage of the nations of Europe, to draw the sword of vindictive justice, without a previous attempt at negociation, as was yesterday proved by the honorable gentleman from New York, (Mr. Clinton) but highly repugnant to the milder precepts and principles of our own nation. And as he did not wish to cross the Atlantic for authorities, having never been attached to the precepts, or practices of kings or princes, or an admirer of the precedents of the old world, he would leave them on the ground they were placed by the gentleman from New York, (Mr. Clinton) and confine himself to the history of our own government, and to the principles and practices of our own Washington. Disregarding the maxims of despots, he would recur to the archieves of our own short, though very important political history; and to the salutary principles of our own free government; from whence he would prove that we ought never to appeal to the sword, that scourge of nations....that "*ultima ratio regum*," but from dire necessity.

He would begin with our own political history, even before we had an independent existence, in order to correct the honorable gentleman from New Jersey, (Mr. Dayton) who yesterday told us, that when we were colonies, no sooner had Great Britain violated our rights, than we appealed to the

sword. Sir, he asked, if America did not then by petition humble herself at the foot of the throne? Did she not address petition upon petition to the British monarch? nay, he asked, if she did not, by her repeated remonstrances, drain the cup of humiliation to its dregs, in her supplications but for justice? nor did we draw the sword until every effort had been tried in vain; nor then, till compelled to act on the defensive; then too, every thing dear to us, and to posterity, was in issue....then were we called on to resist the treasonable claim of the British parliament, to tax us, in all cases, without our consent, which they were about to enforce by the sword. This was not the partial invasion of a minor right, it was a vital stab at *liberty* itself. He asked, if by our temperate supplications, our cause was injured, or if our confidence did not increase with our moderation, whereby we were enabled to secure by the sword, what had been denied to our supplications; and whereby our virtuous struggle was crowned with independence?

Again....No sooner had Great Britain acknowleged us independent, whereby we had taken rank among the nations of the earth, than she violated the compact that gave us our political existence, even while we lay in swadling clothes, in the cradle, in the infancy of our government. Did she not take away our negroes? Did she not keep possession of our western posts? Did not lord Dorchester excite the Indians, with the tomahawk and scalping knife, to massacre our peaceable frontier inhabitants, of all ages, sexes, and conditions? Did she not capture our vessels and *impress* our seamen? What then, I ask, was the conduct of the nation? Who then presided in her councils? Was it not Washington? Did he appeal to arms? No, sir, he sent a minister to sue for redress, as has been done upon the present occasion. Were not the aggressions then much greater than the present? and will it be said that Washington was not a faithful guardian of the national interest....of the national honor; and were not the injuries redressed by the treaty of 1794, to the satisfaction of the *councils* of the nation?

Again....Did not Spain commit spoliations on our commerce, and imprison our seamen? Did not Washington then preside? Did he appeal to arms? No, sir, he sent a minister to sue for redress, as has been done upon the present occasion; and were not the injuries redressed by the treaty of 1795?

Again....Did not France capture our vessels and imprison our seamen? Did not Washington then preside? Did he appeal to arms? No, sir, he sent *ministers* to sue for redress....

Were not these ministers rejected? and thus insult added to injury; did he then appeal to arms? No, sir:...Mr. Adams then came into the administration....Did he appeal to arms? No, sir, he sent a new set of *ministers* who were received, and who made the memorable treaty which was ratified by *Mr. Adams* in February, 1801.

Again....Did not Spain capture our vessels and imprison our seamen? Did she not permit the French to fit out privateers in her ports, to cruise against our commerce? Did she not permit French consuls to condemn our vessels in her ports? Then Mr. Adams, who presided in our councils, sent a minister to negociate, and these aggressions are now in a happy train of adjustment; and there is little doubt will be settled on just and moral principles.

Thus, sir, you see what has been the practice and usage of the United States, since they have been an independent nation; and that too, under the imposing auspices of a Washington. He would now shew, that so tenacious had been the government, to cultivate the arts of peace, that she had guarded it in her constitution, and ingrafted the principles in her treaties. By the constitution, the power of declaring war is vested in Congress; and not in the President; least the caprice of an individual might commit the peace of the nation.

By the treaty with Prussia, made under the auspices of the immortal Franklin, in 1785, the great principle was first established, that in case of a war, neither *captures* nor *reprisals* shall be made. It is stipulated in the 23d article, "that "in case of a war between the two nations that all merchant "vessels employed in exchanging the products of different "places, and thereby rendering the necessaries, conveniences, "and comforts of human life more easy to be obtained, and "more general, shall be allowed to pass free and unmolested: "and neither of the contracting powers shall grant or issue any "commission to any private armed vessel to take or destroy "such trading vessels, or interrupt such commerce." By the treaty with Great Britain, in 1794, it is stipulated, "that "no reprisals shall be made for spoliations till an attested "statement of the damages is presented, and justice demanded "and refused, or unreasonably delayed." By the treaty with the Creek nation of *Indians*, article 8, and by the treaty with the *Delaware* nation of *Indians*, article 4, it is expressly stipulated "that their nation shall not avenge the wrongs com- "mitted by the citizens of the contracting parties, but that "the offenders shall have an impartial trial, and the peace of

" the natives be preserved." So far is our peace secured by the stipulations in treaties; and he would next shew that it had been established as a principle, to preserve the peace of the nation, and to regulate its equanimity; that where we had a treaty with one nation, we are bound to treat all nations in like manner, although we have no treaty to that purpose. See the letter of general Washington, dated 5th September, 1793, to G. Hammond, Esq. in the 2d vol. laws of the United States, 493. " We are bound by our treaties with three of " the belligerent nations, by all means in our power, to pro- " tect and defend their vessels and effects, in our ports, or " waters, or on the seas near our shores, and to recover and " restore the same to the right owners when taken from them. " If all the means in our power are used, and fail in their " effect, we are not bound by our treaties with those nations " to make compensation."

" Though we have no similar treaty with Great Britain, " yet we should use towards that nation the same rule, which " under this article, was to govern us with the other nations; " and even to extend it to captures made on the high seas, and " brought into our ports, if done by vessels that had been " armed within them." Thus, sir, had it been shewn what had been the practice and usage of foreign nations....and thus had he shewn what had been the practice and usage of our own nation, in the cases that had occurred during our short history....and that all nations are entitled to equal justice; and all these cases have occurred under the venerated Washington....except the memorable French *federal* * treaty under Mr. Adams, in February, 1801. And yet we were yesterday told by the honorable Mr. White, " That Washington would have borne no such insults"....No, sir: that he believed, not without seeking redress; but whether in a peaceable legitimate manner, as has been pursued upon the present occasion, or by the sword, as is now proposed; from what has been already shewn, there can be no question....but the same gentleman, (Mr. White) after charging France with this violation of our rights, in the fervor of his mind, exclaimed.... " if this be peace....*God give us war*"....which God forbid, as every good man in the nation must deprecate war. Washington, however renowned in war, was certainly the friend of peace, and very much contributed to the establishment of our national character, " to prefer the pacific olive, to the bloody

* *Federal*—it is presumed, because every republican senator voted against it.

laurel," a character too dear to us to be now sullied by an unexampled departure from its christian principles, or ever to be sacrificed on the altars of vengeance against any *particular* nation....but some gentlemen speak of a war on this occason, with seeming pleasure, as necessarily leading to a connexion with Great Britain, and thereby drawing us into the vortex of European politics and perpetual war. The honorable gentleman from Pennsylvania, (Mr. Ross) and the honorable gentleman from Delaware, (Mr. White) have both declared that we ought to take immediate possession of the mouth of the Mississippi, predicating their arguments on the violation of our rights and the magnitude of the subject....yet the honorable Mr. Wells has gone farther, and declared that he was for taking possession of New Orleans, *at all events*, whether the act complained of was authorised or *unauthorised*, that the possession of that place was of such *importance* that we ought to possess it....and after telling us, (but with a bad grace) that there is no reliance on the faith of treaties, and after reprobating, what he called the profligate doctrine of the nations of Europe, "That treaties were no longer binding than it was their interest to respect them;" advises *us* to adopt that infamous practice, by taking immediate possession of New Orleans, supposed to be the property of France, who had not offended; that if France once gets foot-hold there, it will be too late, and although it is admitted, that France has done us no injury, yet are we pressed to violate the faith of our treaty with that nation, by taking possession of her territory; that nothing short of the possession of *Terra Firma*, can secure us in the free navigation of the Mississippi; thus are we invited by the lure of interest to commit the character of the nation, in violation of every moral principle, and contrary to the law of nations.

Vatel, 150, § 104, tells us, "That the end of war must "be lawful, to ligitimate the means; that the cause must be "just; that one nation is not allowed to attack another for the "purpose of *aggrandizement*; this is the same as if a private "person should endeavor to enrich himself by *seizing* the "wealth of another." Again, Vatel, 349, § 220, says, "The "*faith* of treaties is *holy* and *sacred* between the nations, "whose *safety* and *repose* it *secures*; and if people would not "be *wanting* to themselves, *infamy* would be the *share* of "him who *violates* his *faith*." And if it be the practice of the nations of Europe to disregard their treaties, he hoped we should not copy their vices, but that it might be confined to

them ; it was so demoralizing an idea, that he hoped it would never again be advocated on that floor ; sure he was it could not meet, as it did not merit, the approbation of the nation....he wished for peace with all nations, and should therefore always observe the most exact and inviolable fidelity, in the execution of the treaties between us and them. He for his part had no foreign attachments, no national feelings but those of an American ; no rule but the law of nations, and the existing treaties ; and however bad the bargain....they should rule his conduct, as the only sure means to preserve the peace of the nation, so much the desire of every good man....war he conceived justifiable only in self defence.

But the honorable gentleman from Pennsylvania (Mr. Ross) tells us, that a right so important ought not to be held by a tenure so precarious : What better security can a nation exact to secure the enjoyment of her rights with foreign nations ? Does he expect she will give us hostages ? He presumed not....treaties are the legitimate compacts to bind nations to each other, they are such as are known to the law of nations, by which are secured in our foreign relations, our most important rights, and he trusted, would be always so respected by all honest men, as to afford the utmost security....and he hoped that all infractors of them might be brought to condign punishment.

The gentleman from Massachusetts, (Mr. J. Mason) said he was not for war, that these resolutions did not propose war ; would the gentleman consider it as war if a foreign army should land at Boston ? Would he believe the herald that should proclaim that 50,000 men with arms in their hands, and with military equipage, who had landed in the city, had come only on a friendly visit ?....He presumed not! Sir, these resolutions are more than a declaration of war, they carry the war into actual effect, whereas the declaration only authorizes it....to his mind they presented the question of peace or war. We have been told that the western people would take up arms to possess themselves of the right...or would throw themselves into the arms of a foreign power, as they could not subsist without it. No, sir ; there is not a good citizen in that country that would abandon his invaluable rights of a freeman, or the *title* of an *American citizen*, to be the subject of any nation upon earth ; nor did he think it possible to alienate their affections from their own government, or to shake their confidence in the present administration ; and although the administration is charged with indifference to their interest,

they will not believe it, they know that the steps that have been heretofore taken in all past cases, of our violated rights, have with promptness been taken in this case ; they know that a minister has been sent....and they well know that eighty thousand militia have been put in requisition, and arsenals established in that country, and a number of gun boats ordered to be built for the protection of their commerce in the Mississippi ; with this they ought, and will be satisfied, as they expect but equal justice with the other parts of the union, and this, they may with certainty expect. It hath been emphatically asked, what would be our conduct if the Chesapeake was blockaded ? He said, the same as if the Mississippi was *blockaded*, (but that was not the case.) He, for his part, should never be influenced by geographical distinctions, every part of the union was alike intitled to the protection of government, and should alike have his support in all similar cases....he did not believe the insinuation, that there was a spirit of sedition in that country, that could be fanned into a flame against the government ; they well knew the attention that has been used from the earliest period of our government to secure the navigation of the river Mississippi....by the treaty that secured us our independence, and gave us existence as a nation....in the 8th article of that treaty, the freedom of the navigation of the Mississippi was secured.... even before the western country was fairly explored, or had a name....that afterwards, by the treaty of San Lorenzo el Real, in 22d article thereof, the freedom of the navigation of the river, and also the right of deposit at New Orleans, (for three years) was secured ; and afterwards *there*, or at *such equivalent place* on the banks of the Mississippi, as the king of Spain should assign : but it would seem from the arguments of the gentlemen who press us to go to war, that these rights were now proposed to be abandoned, although every step that the nation can take, consistent with good faith, the law of nations, the practices of foreign nations, and of our own nation, in like cases have been taken.

But the magnitude of this subject has been played off with vast address, by honorable gentlemen on this occasion. One tells us it will take 250 ships, of 250 tons burthen each, to export the products of the western people that come down the Mississippi....Another tells us that their exports are upwards of 4 millions of dollars ; and a third, that it will ruin 500,000 citizens, whose property is embargoed by the suspension of the right of deposit....and this they press, as if they intended the

magnitude of the *object*, as an argument to influence the decision of the *principle* upon which we were to decide the question. He, for his part, admitted the importance of the right of deposit, and that it ought, at all hazard, to be secured. He saw, with great pleasure, the rising greatness of the western country, which was to be ascribed to the *long peace* and prosperity of the nation....but he could not admit the gentlemen's statements, either as to the quantity of produce to be exported, or the consequent quantity of ships it would take to export them. He could not tell where the gentlemen had obtained the data from which they had made their estimates ; but he was sure, it was not from the official documents on the subject, to which he should take the liberty to refer, to correct them ; the correctness of which could not be questioned. The whole exports from the official report last year, were, 71,957,144 dolls. The part that is foreign of that is, 35,774,971 dolls. That of the produce of the United States, 36,182,141 dolls. The exports from the Mississippi, last year, 1,095,412 dolls....And not 4 millions, as has been stated, so that however important it was, it was far below the gentlemen's statement ; who are so zealous for the interest of that country, as to have lost sight of every other part of the union ; and indeed, to have overlooked the real interest of that part, they affect to have so much at heart. They tell us that all their property is now embargoed. But, sir, he asked, would a war relieve it? and would it not embargo the other 35 millions of our productions, and greatly distress 5,500,000 citizens? and instead of *securing* to the *western people*, the immediate use of the *right of deposit*, would most certainly *deprive* them *altogether* of the *navigation* of the Mississippi, and thus involve all in distress, without relieving that part ; but more severely injuring it.... He wished every member of that country was present. He was satisfied they would be opposed to it, themselves. It is well known that the Spaniards have a number of gun boats at New Orleans, and can entirely command the navigation of the river at that place. But, sir, it hath been (and he thought, cruelly) insinuated, that the western people will throw themselves into the arms of a foreign power ; but this *they* would consider as a libel against their political integrity, and defeat the gentlemen's *object*. They well knew, that the Atlantic states held the key of the Mississippi, that a single frigate could block it up, and compel the Spaniards above, to do them justice, by the influence of their own safety in the case. He would beg leave to refer to the official valedictory address of

General Washington, which is highly authoritative on this subject ; and leave it with the western people to make the application. He tells us, that, " the unity of government, which " constitutes you one people, is also now dear to you. It is " justly so ; for it is a main pillar in the edifice of your real in- " dependence, the support of your tranquillity at home, of your " peace abroad, of your safety, of your prosperity....of that very " liberty you so highly prize. But it is easy to foresee, that " from *different causes*, and from *different quarters*, much pains " will be taken, many *artifices* employed, to *weaken in your minds* " the conviction of this truth ; as this is the point in your poli- " tical fortress, against which the batteries of *internal* and *ex-* " *ternal enemies*, will be most constantly and actively *(though* " *covertly and insidiously)* directed ; it is of infinite moment " that you should properly estimate the immense value of your " national union, to your *collective* and *individual* happiness, " that you should cherish a cordial, habitual, and immoveable " attachment to it ; accustoming yourselves to think, and " speak of it, as of the palladium of your political safety and " prosperity ; watching for its preservation with jealous " anxiety ; *discountenancing whatever may suggest even a sus-* " *picion that it can in any event be abandoned; and indignantly* " *frowning upon the first dawning of every attempt to alienate* " *any portion of our country from the rest, or to enfeeble the* " *sacred ties which now link together its various parts.*"

Again...." the east, in its intercourse with the west, already " finds, and in the progressive improvement of interior com- " munication, by land and water, will, more and more, find " a valuable vent for the commodities which it brings from " abroad, or manufactures at home. The west derives from " the east, supplies for its growth and comfort ; and what is " perhaps of still greater consequence, *it must of necessity* " owe the secure enjoyment of indispensible outlets for its own " productions, to the weight and influence of the future mari- " time strength of the Atlantic side of the union, directed by " an indissoluble community of interest as one nation. Any " other tenure by which the west can hold this essential advan- " tage, whether derived from its own *separate strength*, or " from an *apostate and unnatural connexion with any foreign* " *power*, must be *intrinsically* precarious." Again...." In " contemplating the causes which may disturb our union, it " occurs as matter of serious concern, that any ground should " have been furnished for characterising parties by geographi- " cal discriminations, northern and southern, Atlantic and

" western ; whence *designing men may endeavour to excite a* " *belief that there is a real difference of local interests, and* " *views.* One of the *expedients of party* to acquire influence " within particular districts, is to *misrepresent the opinions* " and aims of other districts. You cannot shield yourselves " too much against the jealousies and heart-burnings which " spring from these *misrepresentations ;* they tend to render " alien to each other, those who ought to be bound together by " fraternal affection. The inhabitants of our western coun- " try have lately had a *useful lesson on this head ;* they have " seen in the negociations by the executive, and by the unani- " mous ratification by the senate, of the treaty with Spain, " and in the universal satisfaction at that event, throughout " the United States, a decisive proof how unfounded were " the suspicions propagated among them, of a policy in the " general government, and in the Atlantic states, unfriendly " to their interests, in regard to the Mississippi : they have " been witnesses to the formation of two treaties ; that " with Great Britain, and that with Spain ; which *secure* to " them *every thing* they could desire, in respect to our foreign " relations, towards confirming their prosperity. Will it not " be their wisdom to rely for the preservation of these advan- " tages, on the union, by which they were procured ? Will " they not *henceforth be deaf to those advisers*, if *such there* " *are*, who would *sever* them from their *brethren*, and *con-* " *nect them with aliens.*"

These, sir, are the sentiments of the venerated Washington ; whom the gentlemen are forever dragging from his tomb to degrade, as an authority for their evil measures, or as a cloak for their sinister designs ; but whom they will not respect upon this topic ; he, sir, at the time of the formation of our constitution, this patriot witnessed the difficulty of uniting in one common compact so different and so distant interests, and with a prophetic spirit has foretold what is now attempted ; whose advice appears to have been written by the pen of wisdom, and the finger of love, and he hoped would be forever imprinted on the heart of every real American, and that its practical utility on the present occasion, may more deeply impress it, and that it may be as lasting as the archives in which it is recorded. How different is this advice from that of the honorable gentleman from Pennsylvania, (Mr. Ross.) Washington advises peace and concord....the other war and insurrection. Washington advises us to preserve the union, as the rock of our political salvation....the other says the western

people ought to dissolve it, and act for themselves. Washington tells us that disunion is the rock on which the bark of the republic will be shipwrecked....the other is the pilot that wishes to dash us on this rock. Washington tells us that the geographical distinction of the east and of the west, of the Atlantic and of the south, are the engines that our internal and external enemies will use to disunite us....the other the internal enemy to put this engine in motion. Last year we were told that if we repealed the judiciary law, the eastern states would separate from the union; now we are told that if we do not go to war, the western people will separate from us, and will throw themselves into the arms of a foreign power: And what is the expedient the gentleman advises us to adopt, to remedy the evil? Nothing less than treason against the U. States, and treason against our own political opinions! The honorable gentleman from Pennsylvania, (Mr. Ross) in the plenitude of his goodness, tells us, "that as we have neither "inclination or understanding to conduct the affairs of govern- "ment as we ought, that if we will but let him conduct it "agreeably to his better judgment, that all his friends, in "both houses of Congress, and out of doors, should unite in "supporting the measures of the government." This, sir, is a wonderful species of friendship and condescension....it is in fact an *humble* proposition to exercise the functions of President of the United States; and is it possible he can expect we should revoke our confidence from the man the people had in their wisdom selected to execute these high and important functions, and repose it in him whom the people had dismissed from the execution of *all political functions?* This would be to prostrate the great elective principle, the palladium of our political rights, the very soul of our constitution, and is such an evidence of his *modesty*, that he hoped it would become *proverbial.* Could we consent to this violation of our duty to the nation, what would be the consequence? War, the scourge the curse of nations. And who is it, sir, that wishes it?.... Both the gentlemen from Delaware have told us, "that they "feel themselves authorised by the opinion of the legislature "of their state, in advocating the present measures for war." He, for his part, was happy to act agreeably to the sense of his own, and many other states, who have expressed their entire confidence in the present administration, and their full approbation of the pacific measures that had been adopted. Do the farmers wish a war? No. Do the merchants w h a war? No. Do any description of citizens wish a war? No!

And he asked the honorable gentlemen from Delaware, if the conscientious, the scrupulous Quaker, the pious, the pacific Methodist, the meek, the virtuous Nicholite (so many of whom reside in their state) wish for the effusion of human blood, or the destruction of the human race? He presumed not; and that *they* would give such *evidence* of it, as the *legislature* of that state would not *admire;* and prove that the mild spirit of christianity which they professed, which breathes peace and good will among the sons of men, was more than a simple profession. He believed there were none who wished for war, but the few who sickened at the justly economic character of the present administration, and who were desirous to create expenses, to drain the treasury, interrupt the rapid discharge of our public debt, and to coerce new taxes, to jeopardize that character, and to take that chance, as their last *forlorn hope*, to revive the spark of their extinguished popularity; but he believed every real friend to the peace and prosperity of the nation, would be pleased at their disappointment.

Having nearly exhausted himself, he feared he had trespassed too long on the patience of the house, he would therefore very briefly conclude, with a few remarks on the resolutions themselves.

1st. "That the United States have an *indisputable right* to the free navigation of the Mississippi, and to a convenient place of deposit for their goods and merchandize in the *island of New Orleans.*" This is not the fact, the right is at New Orleans for *three years*, which have passed, and then at *that place*, or at *such other place*, as the king of Spain may assign on the *banks of the Mississippi*, therefore, that resolution was inadmissible.

2d. "That the infraction of such their unquestionable right, is an aggression hostile to their interest and their honor." This is no infraction of our treaty, unless done by the authority of Spain, of which we have no evidence.

3d. "That it does not comport with the dignity of the United States, to hold a right so important by a tenure so precarious." The right is secured by treaty, the most secure tenure that a nation can claim to have its rights secured by, in its foreign relations....as hostages cannot be demanded.

4th. "That it materially concerns such of the American citizens as dwell on the western waters, and is essential to the union, strength, and prosperity of these states, that they obtain *complete security* for the full and peaceable enjoyment of such

their absolute right." This resolution stands explained by the following one which directs the President to take *immediate possession of the territory*....as the *complete security contemplated*....and therefore could not be admitted: the other resolutions are predicated on the foregoing, and are, therefore, inadmissible....he should, therefore, give them his hearty negative, with a view to support the resolutions of the honorable gentleman from Kentucky, (Mr. BRECKENRIDGE) which had been proposed by way of amendment, which he considered unexceptionable, and as much to be preferred, as peace was preferable to war.

Mr. Ross rose and said, that the propriety of introducing these resolutions became every day more apparent. Since they had been laid on the table, our national councils had taken a new direction, and had assumed a much more promising aspect. Until these resolutions were brought forward, there had been no military preparation; no proposal to detach militia; to build arsenals on the western waters; to provide armed boats for the protection of our trade on the Mississippi. He was happy in seeing gentlemen on the opposite side, pursuing a more vigorous course than they were at first inclined to adopt, and he hoped they would, before long, consent to take stronger and more effectual measures for the security of what was in hazard.

As he had, on a late occasion, stated at large his reasons for presenting the resolutions, he would not detain the senate with a repetition of them, except where they had been misrepresented or distorted during the debate. He could not suppose that any gentlemen would intentionally mistate what had been said; but it was very certain that sentiments and assertions had been ascribed to him, in the course of the discussion, not warranted by any thing he had advanced.

Every gentleman who has spoken in this debate, excepting the honorable gentleman from Maryland, (Mr. WRIGHT) admits that the United States have an indisputable right to the free navigation of the river Mississippi, and to a place of deposit in the island of New Orleans. All agree that this right is of immense magnitude and importance to the western country. All agree that it has been grossly and wantonly violated....and all agree, that unless the right be restored and secured, we must and will go to war. Upon what then do we really differ?....Upon nothing but the time of acting.... Whether we shall take measures for immediate restoration and security, or whether we shall abstain from all military

preparation, and wait the issue of negociation. There is no disagreement but upon this point; for if negociation fails, every man who has spoken has pledged himself to declare war.

A number of the objections made against the adoption of measures we have proposed, deserve to be noticed.

The honorable gentleman from New York, (Mr. CLINTON) had displayed considerable talent and elaborate research into ancient and modern history, shewing what had been the practice of nations....He had collected all the objections together and classed them under three heads .....Other gentlemen who had spoken in opposition had taken nearly the same ground, and made in substance the same objections: He would, therefore, follow the arrangement made by the honorable gentleman, (Mr. CLINTON) and he was persuaded that it would be easy to shew, he had in many instances mistaken the most material features of the authorities he had adduced, and more than once mistated the positions which he undertook to refute....He has, however, admitted the magnitude of the right, that it has been violated, and that if negociation should fail, we must go to war. He has made objections under three heads....this method had the merit of perspicuity, and he would follow it.

1. That it is doubtful whether the infraction is or is not authorised.

2. That negociation ought, in justice, to precede the employment of force.

3. That reasons of policy dissuade from using force at present, even supposing we have just cause of immediate war.

The first objection had already been amply refuted by the gentleman from New Jersey, (Mr. DAYTON) the gentleman from Massachusetts, (Mr. MASON) and the gentleman from Delaware, (Mr. WHITE.) He would only further remark, that whether authorised or not, is not now very material....If authorised, the temper, the design must certainly be that of an enemy, and you should act accordingly....If unauthorised; seize the culprit and send him home to his master, who will punish him for a breach of duty....Let him answer with his head for embroiling two friendly nations who wish to live in peace....Why wait till you can send three thousand miles and enquire whether he had orders or not?....He is visibly a wrongdoer: remove him, and protect what he would wrest from you. No man when proceeding on the highway to market, and stopped by his neighbor's servant, would send

out into the country to enquire whether his master had authorised the outrage. No, he would punish and remove the aggressor, and proceed on his journey, leaving the circumstance of orders, or no orders, to be settled between himself and the master afterwards. Besides, in this instance, the person inflicting the injury declares he has no right to the country. If so, why make enquiry whether he has orders? No orders could give him authority to interfere with your unquestionable right, where his master pretends to no right himself.

Under this head of aggression and spoliation, the senator from New York, (Mr. CLINTON) in a tone and manner little decorous in debate, had declared it to be within his (Mr. Ross's) knowlege, that indemnity had been provided by Spain for the spoliations committed upon our trade, and yet the assertion had been made, that Spain had refused all redress for injuries of that kind; and the gentleman alluded to documents before the senate, which were under the injunction of secrecy.

Sir, said Mr. Ross, I have seen those documents, and I now repeat and re-assert, that I know nothing to warrant the opinion or belief that Spain will make compensation for all spoliations of our merchants, or for the greater part or mass of them. I certainly never did say that Spain had refused all redress; for it will be recollected by all present, that I expressly stated, the other day, the injury done to us by the Spaniards themselves in every place they had found our flag.... *and that our vessels were carried into their ports by French cruisers, condemned without the semblance of a trial, and our citizens thrown into prison.* That if we took possession of the country on the Mississippi, we should have an ample fund in our hands to compensate all our merchants who had suffered from the conduct of the Spaniards:....that the merchants would willingly accept such an advantageous offer:....and that otherwise there was no reason to hope that they would *all be indemnified:* and I now return to that gentleman his own words, that he does know, and must be sensible, from the very documents he has alluded to, that there is little, if any hope, that the great body of injuries and losses sustained by our merchants from the Spaniards in different quarters of the world, and the conduct of the French in Spanish ports, will ever be compensated or paid by Spain, unless in the mode that I had suggested.

The same gentleman had said, that we have no facts respecting Spanish spoliation authenticated and reported to us, and offers this as a further reason for delay and negociation. The facts of spoliation, and vexatious, oppressive conduct towards our merchants, and seamen, as well on the sea as within the jurisdiction of the Spanish government, both in Europe and America, were so notorious, and of such extent and continuance, that no man could doubt, or deny the aggravated series of outrage and oppression which we had experienced. Although the executive, or other officers of government may not have collected and reported these complaints to this house, yet this forms no excuse for the aggressors, much less a reason why we should abstain from giving attention to them, while considering indignities of another description. But, that the gentleman might never again be able to say that he had met with no authenticated case of spoliation by the Spaniards, he would now produce and read one to the senate, which had been delivered to him for the purpose of obtaining the aid of our government to get reparation. The men who had been robbed were industrious inhabitants of the western country, who lived near Pittsburg. They descended the Mississippi with a cargo of flour, and finding but a low market at New Orleans, shipped their flour on board of an American vessel, and after being two or three days at sea, were taken by Spanish vessels, carried into Campeachy, their flour sold, their captain cast into prison, themselves restrained of their liberty; several died in this captivity; and those who returned home had no allowance made to them by the Spaniards for their property thus unjustly captured; and of course they only returned to witness the ruin of their families by a loss of property which they had not the means of paying for, having purchased on credit. There could be no excuse for the capture; these men lived in the interior country, they were cleared out from a Spanish port, in an American vessel: yet all these circumstances could not save them from the rapacity of the Spaniards.

[Here Mr. R. read the protest of several American citizens before Mr. Morton, the American consul at Havannah, stating the capture of their vessel, their captivity at Campeachy, the loss of all their property, and that they lived in the western country, from which they had gone down the Ohio with this flour to New-Orleans.]*

* This case proved to be of a very different character; the captain in question appears to have been engaged in transactions of a grossly illegal character.

Mr. R. said here was a case of prodigious hardship and oppression arising out of the very trade and intercourse which the Spaniards had at last undertaken to obstruct and destroy; and therefore he thought it proper to be brought forward during this discussion, to shew the temper and the conduct of these people towards us before they had proceeded to the last extremities.

The second position taken by the gentleman from New York, (Mr. CLINTON) and indeed by all who had spoken against the resolutions, amounted to this :....That every nation was bound to demand satisfaction for an injury before it employed force for redress; and that a refusal of satisfaction must precede the use of force.

However humane or salutary the general principle might be, certainly it did not hold universally, or to the extent that gentleman contended. No book, no writer of authority, had ever contended that this principle should operate when the essential rights, the well-being, or the peace of the country were exposed to danger, and the rule had no application but to inferior or minor rights of the society, where delay and negociation might be safely resorted to. No man could say, that this rule would hold where an army was marched to your frontier, or landed upon your territory; or a fleet blockaded your harbours, or demanded contribution from your seaports. Such cases admitted not of negociation: the intention of the assailant was manifest, the danger imminent, and immediate use of force and hostility unavoidable by the most peaceable nation. It would be said that these were extreme cases, and formed exceptions to the general rule. They certainly demonstrated that the rule was not so general as gentlemen contended for, and when the case at present under consideration is carefully examined, it will be found among those essential and all important rights of the nation, which, when attacked, immediate force should be employed to repel the assailant. In cases of invasion, the mere possession of a small portion of your soil, is not the primary consideration; you are impressed with the approach of further and more serious injury. The hostile intention is manifest, the act such as to leave no doubt, and your right such as can never be abandoned. So here, though there be no actual aggression within the limits of your territory, yet you have a territorial right attached to your soil, constituting its only value, which is directly attacked and destroyed. Of what value is the territory when stripped of this right? Where is your independence?

Where is your sovereignty in that country without the unrestrained exercise of this right? Without it the mere soil is of no value. It is an attribute inseparable from the substance. To attack it, is to attack your very existence, for it is the great artery of the western country, the circulation through which, when stopped, endangers convulsion and political death. The destruction of this right is a greater calamity, than a blockade of a seaport, or even a landing on the Atlantic coast. The mischief is incurable. Can it then be said when this vital part of the nation is assailed, you will wait for information of the intent? You will enquire into the motives? You will not employ force to resist the attack, although you may be undone before you can receive an answer? You will hazard convulsion and dissolution, because possibly the aggressor has reasons for the outrage, that you do not yet know! This cannot be wise, it cannot be the course which national honor or safety calls upon us to pursue; because you never can abandon the right now denied and wrested out of your hands; you can no more abandon it, than any other portion of country within your territorial limits, when invaded by an enemy.

But in whose favour is this delay asked? With whom are you going to negociate for reparation of the injury? Why with those, who, by their own confession, have no right in the country from which they exclude you. When you enquire of the court of Spain what has led them to this outrage, they may reply, we know and care nothing about it; that country is no longer ours; we have abandoned all claim to it, and ordered our officers to withdraw. The title is now in another. Will this satisfy you? Will it redress the injury? Where will you go next? Or how long will you wait for an answer to the question of who turned us out of doors and keeps us out? You have the same reasons for a second as for the first delay; and in the meanwhile you are out of actual possession; the wrongdoer is in.

But, sir, we are triumphantly told, that it has been the practice of all civilized nations to negociate before they go to war. Round assertions, like general rules, are to be received with exceptions and great allowance. I dispute the fact; although my argument does not need this kind of aid; for I am persuaded there is no precedent of an independent nation relying upon negociation alone, in such circumstances. If you go to books, or to the example of other countries, you will find no dictum of a writer, nor instance of a state, that will justify the course now held by gentlemen on the other

side. For wherever the nation has been invaded, its vital interests attacked, its existence drawn into hazard, its essential rights exposed to immediate destruction, every writer and every state will bear you out in resorting without delay, to the strongest means in your power for repelling the aggressor.

The conduct of the Romans has been more than once mentioned....Their history is handed down to us by themselves, and even in that we shall too often find, that while their ministers of peace were affecting to demand reparation, the consul had advanced with his eagles to the frontier, and was ready to enter the country where the negociation was pending; we shall find that they negociated often and long, when it did not suit them to commence an immediate attack; and the negociations, especially when at a distance, were protracted, until their armies had been recruited; wars nearer home ended; and every thing ready to strike a decisive blow. But you have no instance of negociation without military preparation, where the Roman territory was invaded, or a Roman treaty violated.

Leaving antiquity, the honorable gentleman (Mr. Clinton) has adduced and extolled the example of England in modern times, and traced her through many scenes both of negociation and war. But he did not dwell upon her conduct in the beginning of the war of 1756, when all the commerce of France was destroyed by a general sweep, without a previous declaration of war; and yet this was so certainly the case, that the gentleman must well remember it formed a subject of complaint, and was used to protract the negociation for a general peace in 1763. He has also forgotten their conduct towards the Dutch, during our revolutionary war; and their late armament against the Danes. His comments also upon the conduct of their ministry in 1762, were peculiarly unfortunate, because we know, that the nation was afterwards actually obliged to declare war against Spain, when she had full notice of their intention, and time to prepare for the attack; whereas, had war been waged when the hostility of Spain and her secret alliance with France, were first ascertained, they would have possessed prodigious advantages, which were lost by ineffectual negociation and delay.

I will not follow the gentleman to Nootka Sound, to the Bay of Honduras, or the Musquito Shore; but I will at once admit, that in cases of minor rights, of spoliation upon commerce in time of war; nay, in all cases that do not involve the well-being, or national independence, negociation and amica-

ble adjustment should be resorted to; and demand of reparation should precede actual hostility. I will even say, that were the Spaniards to cross the Mississippi at the Falls of St. Anthony, and build a fort on our side of the river, place a garrison in it, and thus actually invade our territory; in my opinion we ought to negociate and demand explanations before we sent troops to demolish the fort. Although the act would justify the immediate use of force, yet the station is so remote, and of so little importance in the use of it, that friendly means might be safely and wisely resorted to in the first instance.

Quitting Europe, the gentleman exultingly appeals to the usages of our own country, in cases which he alledges were either similar to, or stronger than the present. The name of WASHINGTON is introduced to silence all further dispute on this question! Sir, I reverence the authority of that great man's official conduct. He was the father of his country, the terror of its enemies, and the ornament of human nature. He is now gone to mix with the heroes and sages of other times and nations, in a happier world; but it was easily foreseen that those who seldom agreed with him in his life, would be the first after his death, to fly for shelter to his example, when overtaken by calamity or misfortune! That man led the armies of this country to victory....to independence. He knew better than any man the interests, the feelings, the dispositions of the people. He witnessed the origin and progress of complaints on both sides respecting the inexecution of the treaty of peace between us and Great Britain. We justly reproached them with detention of the western posts, and their refusal to deliver our slaves, as stipulated by treaty: They replied that we did not pay them our old debts. These disputes became the subject of negociation, under the old confederation, and we had a minister in that country who attempted an amicable adjustment. When general WASHINGTON came to the head of our present government, he sent another minister to that country, and while he was endeavouring a peaceable accommodation, a storm broke out in France, which soon spread beyond its own boundaries, and involved the neighbouring nations in war. The rulers of France, wishing to engage us in their quarrel, sent a minister to this country with express instructions to embroil us, if possible, in this desolating war. Unfortunately that minister possessed abilities and a disposition well adapted to such a mission. He landed in a part of our country remote from the seat of government, and instantly began to issue his commissions to our

citizens, not only to equip privateers and plunder the commerce of nations with whom we were at peace, but to enlist men and raise a military force within the United States, for the purpose of attacking the possessions of Spain in Florida. He travelled onward from Charleston towards the seat of government, making proselytes as he advanced, and gaining new adherents at every step of his journey. He was received with acclamations of the liveliest joy in the capital city of this country; and after employing all the soothing arts of fraternization, civic feasts, and public spectacle, he proceeded, as before, with his commissions, and actually insisted upon and exercised the right of bringing into our ports and selling prizes taken from nations with whom we were at peace. This minister had the address to seduce many of our citizens to inlist under his banner; and but too many, even of our respectable men in high employment, applauded his conduct and gave his measures a countenance they did not deserve. All ranks seemed pleased with the zeal and the boldness of the minister's mind, and an union of this country with France in the war seemed inevitable, as no effectual steps had been taken to restrain this wild, extravagant condition of things among us. I mention not these events with a wish to hurt the sensibility of any one, for I know that this country was then without experience; we had never before been in the relation of neutrality towards powers at war, and we entertained a lively affection for France, because she had aided us in the revolution war, and was then as we thought, contending for liberty herself. The respectable men who, led away by their feelings, joined in the phrenzy of that time, would not now display such opinions, or enter upon any public act to commit or endanger the peace and honest neutrality of their country.

Very unfortunately, however, we had then here a minister from Great Britain who was but little inclined to promote good understanding, and who probably transmitted discoloured accounts of all that passed from day to day. Things were sufficiently wrong without any exaggeration of their enormity. When these accounts reached England, was it wonderful that they considered war as begun? Was it strange that they should count upon hostility, when the acts of the people assumed but one complexion; when the government had not taken means to do justice and prevent such injustice; where their ships were sold by their enemies, and every indignity put upon their subjects? Hence we may trace the orders for spoliations;

Hence the talk of Lord Dorchester to the Indians, and the other aggressions on the western frontier, which, however unjustifiable, were not altogether without provocation.

In the meanwhile, the French minister increased in his activity and boldness of enterprise, under the very eye of our government; he multiplied his complaints against the executive, and his caresses and professions upon the people, until at last, confident in his numbers and support, he set the President at defiance, and threatened an appeal to the people. At that awful crisis of delusion, WASHINGTON came forward, Moses like, and put himself in the gap between the pestilence and the people. He demanded the minister's recal; he was recalled....He arrested the hands of our citizens who were armed to plunder in time of peace....He enforced the observation of the rules of justice and neutrality. When these things became known in England, they produced a revocation of the orders to plunder our merchants. But the havoc and destruction had been dreadful; we were highly and justly incensed, the blood of both nations was up....It had scarcely cooled, and was easily roused to be ready for war. If the British had not recalled their orders of November, 1793, we undoubtedly should have instantly gone to war. It would have been unavoidably, nay, absolutely necessary. But when the revocation of those orders was known here, our President considered that our own conduct had not been perfectly regular; there was some cause of complaint against us, in the midst of all the just complaints we had against the British cruisers; there were also old differences, which had created great uneasiness between the two countries. In the recent causes of quarrel, we had been the first, in suffering improper acts to be done by a foreign agent within our own territory, which we ought to have prevented as neutrals. Under all these circumstances, being already engaged in an Indian war, he resolved to try negociation: An envoy extraordinary was accordingly sent.

How does all this apply to the present case? There had been old, unsettled differences with England; ours with Spain were settled by the treaty of 1795. There were horrible spoliations upon our trade by Britain, but we had permitted acts towards them, with which we were obliged to reproach ourselves. Spain has also spoiled our commerce, and to an immense extent, without provocation. For that, the case of England would say negociate, and we have actually been negociating. But had England blockaded your harbours, had

she shut out half a million of your people from access to the ocean, had she closed up the Chesapeake or the Delaware, would there have been negociation? No. You would, you must have had immediate war. Such an invasion of the sovereignty and independence of the country would have left no hesitation in the mind of any man; but fortunately as our affairs then stood, we were not obliged to resort to hostilities. The man of high talents who undertook to negociate, succeeded in forming a treaty between the two countries. Such, however, were the passions of the times, that the negociator was grossly calumniated. The treaty was opposed by the formidable array of all the artillery of popular opinion, organized in town meetings, played off along the coast from Boston to Charleston, under the direction of the ablest engineer in this country. Public opinion was again shaken, but finally peace was preserved, the treaty went fairly into execution, and even the negociator was elected their governor, by the people of his own state, where he presided for a long time, with honour to himself, and infinite advantage to the interests and peace of the society; until at length he retired from public life, leaving an example which will always be useful for imitation, and serve at the same time, as a severe reproof to those who may materially depart from it.

Our differences and negociations with England, then, furnished an interesting and serious view of the course we have taken in troublesome times, but certainly do not present any thing like the present case. For although they actually held our western posts and built a new fort at the foot of the rapids of Miami, yet, we had never been in possession of those posts....we had not purchased the country from the Indians.... we had no settlements near it....no great portion of our citizens were obstructed or cut off from the free exercise of their rights; and there were mutual complaints, perhaps mutual enquiries, between the parties, which seemed to require negociation as the only mode in which they could ever be terminated.

Next comes our difference with Spain. To this it may be answered briefly....that we made a treaty with that power: difficulties arose respecting the execution of that treaty; we had not then been in the possession or exercise of the rights claimed under the treaty. The Spaniards delayed and evaded the execution, in a very unjustifiable manner. But the administration of that day did not rely upon negociation alone; they ordered troops to the Ohio, and had the Spaniards persisted

in their refusal, those troops would have acted decisively, without any new application to the court of Spain. They saw the approaching storm ; they entered upon the execution of the treaty, by running the line, and giving up the posts ; and, if the war office be examined, gentlemen will find that our troops were then so disposed as to fall down the river Mississippi, and act with effect, at any moment. It was well known to us that Spain did not act in that business from the mere impulse of her own interests or wishes. She was then, and is still, under the irresistible influence of a powerful neighbor, with whom we at that time had serious differences....She was urged and pushed forward by France. For Spain, until she became thus dependant upon France, has ranked high for her good faith, and, in my own opinion, deservedly higher than any other court in Europe. Slow to promise, she has always fulfilled her engagement with honour, according to the spirit, without cavilling about the words of her treaties.

When we were aware of all these things, when there was no absolute refusal, but only delay and evasive excuses about the execution, not about the right, it would not have been wise to precipitate an absolute rupture between the two countries.

The proceedings with France are next adduced. These are fresh in the memory of every one, and need not be repeated. There was no blockade, no denial of egress to the ocean, no invasion, no territorial dismemberment, no attack upon the country which required the immediate use of force.... True, they captured your ships, they heaped indignities upon you ; but they also alledged that you had first broken the treaty of alliance. You negociated : what else could you do ? You had no navy. You could not go in quest of them, and they did not attempt to land on your shores. When their aggressions rose to such a height as to be tolerated no longer, and defensive war was resolved on, what was the conduct of the minority then ? Did they come forward and offer their support like the minority now ? No, sir, they declared the administration was blameable ; that the French had been provoked ; that peace was still attainable by negociation, and war at all events to be avoided. Look at the debates of that day, and you will discover that many leading men contended that our own government was altogether in the wrong and France in the right. Such was the impression abroad, that Talleyrand insultingly boasted of a party in our own country, and threatened us with the fate of Venice ; and when the sacred right

of embassy was trampled upon, as stated by the honorable gentleman from New York, still the cry at home was negociate, negociate. Surely there is very little, if any resemblance, between that case and this. However justifiable a war would have been then, we must have gone abroad to seek our enemy; now he has come to our doors, and stripped us of what is most precious and dear to us as an independent nation.

We are next told, under the third head of objections, that our national debt will be encreased by war; that war will be the necessary consequence of the resolutions; that our object is war.

Sir, our object is not war, but the attainment of security for a right without which our union, our political existence, cannot continue. In seeking this security should war arise, it will be a less evil than insecure and delusive hopes of tranquillity. No doubt war will increase your public debt, but not more nor so much as vain attempts to secure this right another way; and after failing you must have a war.

But your merchants will not obtain indemnities for spoliations. Their chance is but precarious now, and would be altogether as great in the way we propose to take.

Seaports will be blockaded and the Mississippi shut.... The first is not probable, and as to the last, all the western people must be satisfied when they see their country maintaining and asserting their right. The very effort to maintain it will consume a great portion of the resources and afford an extensive market to the aggrieved people, by supplying your military force. The river may as well be shut up completely as be in its present condition.

An honorable gentleman (Mr. Wright) has said, that we may have a place of deposit within our own territory, and navigate the river from thence.

The gentleman has not certainly well considered this subject. The nearest point upon our territory is three hundred miles from the sea. The river crooked, the current rapid, the anchorage bad. A favourable wind in one direction of the river, would be adverse at the next bend. Ships could never ascend in any reasonable time, nor could they gain any point on our own territory, when they are forbidden to touch the shore, even to fasten a cable, or tow-line. Without the privilege of the shore, the navigation would be impracticable.

The honorable gentleman from New-York, had advanced a most extraordinary position: That if our adversaries

have time to prepare, we also have time to prepare....Yet he resists the resolutions, and proposes no effectual military preparations. While they are busy, we are to be idle....When they make the stroke, we are in our present defenceless state. Next year, we shall be as weak and exposed as now; our commerce equally scattered over the ocean; our seaports as defenceless; our army and navy as weak; and they have then possession of the disputed spot, with an armament to annoy us, and maintain their possession.

The honorable gentleman from Kentucky, (Mr. Breckenridge) disclaims all apprehension of disgust, or disaffection among his constituents, or any of the western people. They were not always in this mild, forbearing temper upon the subject of the Mississippi. It must be in the recollection of that gentleman, that Mr. Genet sent emissaries into Kentucky, distributed commissions there for enlisting men, and raising an army to take New Orleans, and open the navigation of the Mississippi to the western people. A very gallant and able officer accepted the commission of general on this expedition, and would undoubtedly have executed it, had not the recal of the French minister, and the failure of the promised resources, defeated the enterprize. What reason was there to suppose they would be more forbearing now? That officer was still alive, and if he were to erect his standard, the consequences could not be very doubtful.

The honorable gentleman from Georgia (Gen. Jackson) agrees with us in every thing except as to the *time of acting*. He wishes to make an experiment at negociation, but admits the magnitude of the dispute, and that it involves the very existence of Georgia and the southern states.

If the late events had happened upon St. Mary's, or if the Savannah had been shut up by the Spaniards, there would have been little doubt of the course that gentleman would have pursued. The news of the aggression and of the aggressors' graves, would have reached the seat of government by the same mail. He would not have waited to enquire by whose orders they came there, or whether they could be negociated out of Georgia.

Although the honorable gentleman disagrees with us as to the time of acting, yet he has very honorably pledged himself for the ultimate result, should negociation fail, and while it is impossible to agree with what he has said respecting the ordinary force of the country driving the new occupants from their fastnesses and forts in the marshes of Florida or New

Orleans ; yet, sir, there can be no doubt that the spirit which disdains to think of the hazard of such an enterprize, is of the utmost value to our country. For my own part, I have a pleasure in declaring my wish, that the gentleman now lived on the Mississippi, and that he had authority from this government to act : I should have no doubt of the result, nor of the confidence and universal consent with which he would be supported. But he is certainly too much a soldier not to discern, that previous possession by a powerful enemy will require the labours and blood of a disciplined army, and the delay and skill requisite for the attack of a fortified country.

We come now to consider the resolutions offered as a substitute : It is highly gratifying to find that gentlemen are at last inclined to act...To do something like defending the rights of our country : Is there any new shape given to this business by the proposed substitute ? We propose 50,000 militia ; They substitute 80,000. To do what ? Will gentlemen tell us the difference ? It is said ours are absolutely imperative ; if so, alter them, and give an unqualified discretion. We will agree to it. My own opinion is, that they should be immediately acted upon. If the majority wish for a bare discretionary power, I assent to it. There is no difference except that one set of resolutions puts greater power into the hands of the President than the other. Are gentlemen on the other side afraid to trust the President ? Do they think he will abuse this power ? Will it hurt the negociation ? Instead of hurting it, our minister ought to carry this act to Europe with him. He is not yet gone, and it may be sent with him....He would then have more means, and more forcible arguments to urge in his negociation.

This whole subject was known at the meeting of Congress ; yet no step taken, till our resolutions were proposed. Now gentlemen are willing to do something ! They seem willing to give means to a certain extent. Why not amend our resolutions, when their own are but a qualification of ours ? We have but seven days to the end of this session. Why dispute about a substitute, when amendments may be made to meet gentlemen's wishes ? They agree to go a certain length ; then say so, and strike out the rest. Certainly we will go with you as far as you propose, for we have offered to go farther.

But gentlemen say they have full confidence in the negociation. Be it so....I cannot doubt the assertion of the gentlemen, although I draw a different conclusion from the same

facts. But let me present this question in a new shape, not yet offered in this house. We are not deliberating about the right of deposit in New Orleans merely, nor about the island of New Orleans; we are told that we are to look for new and powerful neighbors in Louisiana. What right has Spain to give us these neighbors without consulting us? To change our present security into hazard and uncertainty? I do not believe that Spain has any right to do so. What are the limits of Louisiana? It extends three thousand miles upon your frontier. New Orleans is ceded with it. Then the province of Louisiana and New Orleans lie between the Floridas, and the other Spanish dominions on this continent. It is not difficult to pronounce who will command and own the Floridas. They must belong to the master of Louisiana and New Orleans. Then the owners possess the lock and key of the whole western country. There is no entrance or egress but by their leave. They have not only three thousand miles on your frontier in the interior country, but they have the command of your outlet to the ocean, and seven hundred miles of sea-coast embracing the finest harbours in North America. This makes them, in fact, masters of the western world. What will you give them for this enviable dominion? Not territory, for you have none to spare and they want none. Not commercial privileges....they will not want them, for they will then have enough and to spare....What equivalent have you? What can you offer to men who know the value of such a country? What would this senate take for the surrender of such an establishment were it ours? Let every senator ask himself the question and declare by what rule of estimation his answer would be dictated.

But I know it has been said, and will be said again, that the new French owners will confirm or permit our right of deposit and free navigation of the Mississippi....They will open a free port and give us all we desire.

Yes, sir, this would be the unkindest cut of all. I fear much less the enmity of the present possessors, than such neighbours. We shall hold by their courtesy, not by the protection of our own government. They will permit, but you cannot inforce. They will give us all the advantages we now have and more: But will it be for nothing? Will they ask no return? Have they no ulterior views? No....During this insidious interval, they will be driving rivet after rivet into the iron yoke which is to gall us and our children. We must go to market through a line of batteries manned by veterans; and

return home with our money through a fortified camp. This privilege will be held at their will, and may be withheld whenever their Intendant forbids its further continuance.

No doubt my earnestness may have betrayed me into expressions which were not intended. Every honorable gentleman will therefore consider me as addressing his reason and judgment merely, without meaning to give cause of offence. But I cannot conclude without addressing myself particularly to those senators who represent the western states. I entreat them to remember that these resolutions are intended to vest a power which may, or may not be used, as events arise. If events should shew in the recess that negociation must fail, what is the President to do? He must call Congress. This will consume time, and the enemy gains immense advantages. Why not put a force at his disposal with which he can strike? With which he can have a pledge for your future well-being? When the Atlantic coast is willing, shall this security be lost by your votes? Are you sure that you will ever again find the same disposition? Can you recal the decisive moment that may happen in a month after our adjournment? Certainly the country may be in such a state that at the next session you will have no such offer as at the present moment. There may be a pressure which would forbid it. Heretofore you have distrusted the Atlantic states; now when they offer to pledge themselves, meet them and close with the proposal. If the resolutions are too strong, new model them. If the means are not adequate, propose other and more effectual measures. But as you value the best interests of the western country, and the union with the Atlantic coast, seize the present occasion of securing it forever. For the present is only a question of how much power the executive shall have for the attainment of this great end, and no man desirous of the end ought to refuse the necessary means for attaining it. Your voice decides the direction this senate will take, and I devoutly wish it may be one we shall never repent.

Mr. Morris. Mr. President, I rise with reluctance on the present occasion. The lateness of the hour forbids me to hope for your patient attention. The subject is of great importance, as it relates to other countries, and still greater to our own: yet we must decide on grounds uncertain, because they depend on circumstances not yet arrived. And when we attempt to penetrate into futurity, after exerting the utmost powers of reason, aided by all the lights which experience

could acquire, our clearest conceptions are involved in doubt. A thousand things may happen which it is impossible to conjecture, and which will influence the course of events. The wise Governor of all things hath hidden the future from the ken of our feeble understanding. In committing ourselves, therefore, to the examination of what may hereafter arrive, we hazard reputation on contingencies we cannot command. And when events shall be past, we shall be judged by *them*, and not by the reasons which we may now advance.

There are many subjects which it is not easy to understand, but it is always easy to misrespresent, and when arguments cannot be controverted, it is not difficult to calumniate motives. That which cannot be confuted, may be mistated. The purest intentions may be blackened by malice; and envy will ever foster the foulest imputations....This calumny is among the sore evils of our country. It began with our earliest success in seventy-eight, and has gone on with accelerated velocity and encreasing force to the present hour. It is no longer to be checked, nor will it terminate but in that sweep of general destruction, to which it tends with a step as sure as time, and fatal as death. I know that what I utter will be misunderstood, misrepresented, deformed, and distorted; but we must do our duty....This I believe is the last scene of my public life; and it shall, like those which preceded it, be performed with candor and truth. Yes, my noble friends, [addressing himself to the federal senators near him] we shall soon part to meet no more. But however separated, and wherever dispersed, we know that we are united by just principle and true sentiment. A sentiment, my country, ever devoted to you, which will expire only with expiring life, and beat in the last pulsation of our hearts.

Mr. President, my object is peace. I could assign many reasons to shew that this declaration is sincere. But can it be necessary to give this senate any other assurance than my word? Notwithstanding the acerbity of temper which results from party strife, gentlemen will believe me on my word. I will not pretend, like my hon. colleague (Mr. CLINTON) to describe to you, the waste, the ravages, and the horrors of war. I have not the same harmonious periods, nor the same musical tones; neither shall I boast of christian charity, nor attempt to display that ingenuous glow of benevolence so decorous to the cheek of youth, which gave a vivid tint to every sentence he uttered; and was, if possible, as impressive even as his eloquence. But though we possess not the same pomp of words,

our hearts are not insensible to the woes of humanity. We can feel for the misery of plundered towns, the conflagration of defenceless villages, and the devastation of cultured fields. Turning from these features of general distress, we can enter the abodes of private affliction, and behold the widow weeping, as she traces, in the pledges of connubial affection, the resemblance of him whom she has lost forever. We see the aged matron bending over the ashes of her son. He was her darling; for he was generous and brave, and therefore his spirit led him to the field in defence of his country. We can observe another oppressed with unutterable anguish: condemned to conceal her affection; forced to hide that passion which is at once the torment and delight of life; she learns that those eyes which beamed with sentiment, are closed in death; and his lip, the ruby harbinger of joy, lies pale and cold, the miserable appendage of a mangled corse. Hard, hard indeed, must be that heart which can be insensible to scenes like these, and bold the man who dare present to the Almighty Father a conscience crimson'd with the blood of his children.

Yes, sir, we wish for peace; but how is that blessing to be preserved? I shall repeat here a sentiment I have often had occasion to express. In my opinion, there is nothing worth fighting for, but national honor: for in the national honor, is involved the national independence. I know that a state may find itself in such unpropitious circumstances, that prudence may force a wise government to conceal the sense of indignity. But the insult should be engraven on tablets of brass, with a pencil of steel. And when that time and chance, which happen to all, shall bring forward the favourable moment, then let the avenging arm strike home. It is by avowing and maintaining this stern principle of honor, that peace can be preserved. But let it not be supposed, that any thing I say, has the slightest allusion to the injuries sustained from France, while suffering in the pangs of her revolution. As soon should I upbraid a sick man for what he might have done in the paroxisms of disease. Nor is this a new sentiment: it was felt and avowed at the time when these wrongs were heaped on us, and I appeal for the proof to the files of your Secretary of State. The destinies of France were then in the hands of monsters. By the decree of heaven she was broken on the wheel, in the face of the world, to warn mankind of her folly and madness. But these scenes have past away. On the throne of the Bourbons, is now seated the first of the Gallic

Cæsars. At the head of that gallant nation is the great, the greatest man, of the present age. It becomes us well to consider his situation. The things he has achieved, compel him to the achievment of things more great. In his vast career, we must soon become objects to command attention. We too, in our turn, must contend or submit. By submission we may indeed have peace, alike precarious and ignominious. But is this the peace which we ought to seek? Will this satisfy the just expectation of our country? No. Let us have peace permanent, secure, and, if I may use the term, independent. Peace which depends, not on the pity of others, but on our own force. Let us have the only peace worth having, a peace consistent with honor.

A gentleman near me, (Mr. JACKSON) has told us the anecdote of an old courtier, who said, that the interest of his nation, was the honor of his nation. I was surprized to hear *that* idea from *that* gentleman. But it was not his own. Such is that gentleman's high sense of his personal honor, that no interest would induce him to sacrifice it. He would not permit the proudest prince on earth to blot or soil it. Millions would not purchase his honor, and will he feel less for the honor of his country? No, he will defend it with his best blood. He will feel with me, that our national honor is the best security for our peace and our prosperity. That it involves at once our wealth and our power. And in this view of the subject I must contradict a sentiment which fell from my honorable colleague (Mr. CLINTON.) He tells us that the principle of this country is peace and commerce. Sir, the avowal of such principle will leave us neither commerce nor peace. It invites others to prey on that commerce which we will not protect, and share the wealth we dare not defend. But let it be known that you stand ready to sacrifice the last man, and the last shilling, in defence of your national honor, and those who would have assailed, will beware of you.

Before I go into a minute consideration of this subject, I will notice what the gentlemen opposed to me have said on the law of nations. But I must observe that, in a conjuncture like the present, there is more sound sense, and more sound policy in the firm and manly sentiments which warm the hearts of my friends from Delaware, than in all the volumes upon all the shelves of the civilians. Let us however attend to the results of those logical deductions which have been made by writers on the law of nations. The honorable member from Kentucky, (Mr. BRECKENRIDGE) has told us that sovereigns

ought to shew a sincere desire of peace, and should not hastily take offence, because it may be that the offensive act was the result of mistake. My honorable colleague has told us, that among the justifiable causes of war, are the deliberate invasions of right, and the necessity of maintaining the balance of power. He has told us further, that attempts should always be made to obtain redress by treaty, unless it be evident that redress cannot be so obtained. The honorable member from Georgia near me, informs us, that the thing we would obtain by war should be important, and the success probable, and that war should be avoided until it be inevitable. The honorable member from Maryland, (Mr. WRIGHT) has explained to us the case cited by the gentleman from Kentucky, as being that of a wrong done by a private citizen. Under the weight of all this authority, and concurring with gentlemen in these their positions, I shall take leave to examine the great question we are called on to decide. I shall moreover fully and entirely agree with the honorable member near me in another point. He has, with the usual rapidity of his mind, seized the whole object. He tells us, and he tells us truly, that the island of Orleans and the two Floridas are essential to this country. They are joined, says he, by God, and sooner or later we *must* and *will* have them. In this clear and energetic statement I fully agree; and the greater part of what I have to say will be but a commentary on the doctrines they have advanced, an elucidation of their positions, and the confirmation of that strong conclusion.

In order to bring this extensive subject within such bounds as may enable us to take a distant view of its several parts, I shall consider first, the existing state of things: 2dly, the consequence to the United States of the possession of that country by France: 3dly, the consequence to other nations: 4thly, the importance of it to France herself: 5thly, its importance to the United States if possessed by them; and having thus examined the thing itself in its various relations, the way will be open to consider, 6thly, the effect of negociation: and then, 7thly, the consequences to be expected from taking immediate possession.

Before I consider the existing state of things, let me notice what gentlemen have said in relation to it. The honorable member from Kentucky has told us, that indeed there is a right arrested, but whether by authority or not, is equivocal. He says the representative of Spain verily believes it to be an unathorised act. My honorable colleague informs us there

has been a clashing between the Governor and the Intendant. He says we are told by the Spanish minister it was unathorised. Notwithstanding these assurances, however, my honorable colleague has, it seems, some doubts....but nevertheless he presumes innocence; for my colleague is charitable. The honorable member from Maryland goes farther, he tells us the minister of Spain says, the intendant had no such authority; and the minister of France too, says there is no such authority. Sir, I have all possible respect for those gentlemen, and every proper confidence in what they may think proper to communicate. I believe the Spanish minister has the best imaginable disposition to preserve peace; being indeed the express purpose for which he was sent among us. I believe it to be an object near to his heart, and which has a strong hold upon his affections. I respect the warmth and benevolence of his feelings, but he must pardon me that I am deficient in courtly compliment, I am a republican, and cannot commit the interests of my country to the goodness of his heart.

What is the state of things? There has been a cession of the island of New Orleans and of Louisiana to France.... Whether the Floridas have also been ceded is not yet certain. It has been said, as from authority, and I think it probable. Now, sir, let us note the time and the manner of this cession. It was at or immediately after the treaty of Luneville, at the first moment when France could take up a distant object of attention. But had Spain a right to make this cession without our consent? Gentlemen have taken it for granted that she had. But I deny the position. No nation has a right to give to another a dangerous neighbor without her consent. This is not like the case of private citizens, for there, when a man is injured he can resort to the tribunals for redress, and yet, even there, to dispose of property to one who is a bad neighbour is always considered as an act of unkindness. But as between nations, who can redress themselves only by war, such transfer is in itself an aggression. He who renders me insecure, he who hazards my peace, and exposes me to imminent danger, commits an act of hostility against me; and gives me the rights consequent on that act. Suppose Great Britain should give to Algiers one of the Bahamas, and contribute thereby to establish a nest of pirates near your coasts, would you not consider it as an aggression? Suppose during the late war you had conveyed to France a tract of land along Hudson's river, and the northern route by the lakes into Canada, would not Britain have considered and treated it as

an act of direct hostility? It is among the first limitations to the exercise of the rights of property, that we must so use our own as not to injure another; and it is under the immediate sense of this restriction that nations are bound to act toward each other.

But it is not this transfer alone. There are circumstances both in the time and in the manner of it which deserve attention. A gentleman from Maryland, (Mr. WRIGHT) has told you, that all treaties ought to be published and proclaimed for the information of other nations. I ask, was this a public treaty? No. Was official notice of it given to the government of this country? Was it announced to the President of the United States, in the usual forms of civility between nations who duly respect each other? It was not.... Let gentlemen contradict me if they can. They will say perhaps that it was the omission only of a vain and idle ceremony. Ignorance may indeed pretend that such communication is an empty compliment, which, established without use, may be omitted without offence. But this is *not* so. If these be ceremonies they are not vain, but of serious import and are founded on strong reason. He who means me well, acts without disguise. Had this transaction been intended fairly, it would have been told frankly. But it was secret because it was hostile. The First Consul in the moment of terminating his differences with you, sought the means of future influence and controul. He found and secured a pivot for that immense lever, by which, with potent arm, he means to subvert your civil and political institutions. Thus, the beginning was made in deep hostility. Conceived in such principles, it presaged no good. Its bodings were evil, and evil have been its fruits. We heard of it during the last session of Congress, but to this hour we have not heard of any formal and regular communication from those by whom it was made. Has the king of Spain? Has the First Consul of France no means of making such communication to the President of the United States? Yes, sir, we have a minister in Spain; we have a minister in France. Nothing was easier, and yet nothing has been done. Our first magistrate has been treated with contempt; and through him our country has been insulted.

With that meek and peaceful spirit now so strongly recommended, we submitted to this insult, and what followed? That which might have been expected; a violation of our treaty. An open and direct violation by a public officer of the Spanish government. This is not the case cited from one

of the books. It is not a wrong done by a private citizen, which might, for that reason, be of doubtful nature. No....it is by a public officer. That officer, in whose particular department it was to cause the faithful observance of the treaty which he has violated. We are told indeed that there was a clashing of opinion between the Governor and the Intendant. But what have we to do with their domestic broils? The injury is done, we feel it. Let the fault be whose it may, the suffering is ours. But, say gentlemen, the Spanish minister has interfered to correct this irregular procedure. Sir, if the Intendant was amenable to the minister, why did he not inform him of the step he was about to take, that the President of the United States might seasonably have been apprized of his intention, and given the proper notice to our fellow-citizens? Why has he first learnt this offensive act from those who suffer by it? Why is he thus held up to contempt and derision? If the Intendant is to be controled by the minister, would he have taken a step so important without his advice? Common sense will say no. But, the bitter cup of humiliation was not yet full. Smarting under the lash of the Intendant, the minister soothes you with kind assurances, and sends advice boats to announce your forbearance. But while they are on their way, new injury and new insult are added. The Intendant, as if determined to try the extent of your meekness, forbids to your citizens all communication with those who inhabit the shores of the Mississippi. Though they should be starving, the Spaniard is made criminal who should give them food. Fortunately, the waters of the river are potable, or else we should be precluded from the common benefits of nature, the common bounty of heaven. What then, I ask, is the amount of this savage conduct? Sir, it is war. Open and direct war. And yet gentlemen recommend peace, and forbid us to take up the gauntlet of defiance. Will gentlemen sit here and shut their eyes to the state and condition of their country? I shall not reply to what has been said respecting depredations on commerce, but confine myself to objects of which there can be no shadow of doubt. Here is a vast country given away, and not without danger to us. Has a nation a right to put these states in a dangerous situation? No, sir. And yet it has been done, not only without our consent previous to the grant, but without observing the common forms of civility after it was made. Is that wonderful man who presides over the destinies of France, ignorant or unmindful of these forms? See what was done the other day. He directed his minister to

communicate to the elector of Bavaria, his intended movements in Switzerland, and their object. He knew the elector had a right to expect that information, although the greater part of Swabia lies between his dominions and Switzerland. And this right is founded on the broad principles already mentioned.

As to the depredations on our commerce, they are numerous, and of great importance; but my honorable colleague has told us, our merchants are in a fair way of getting redress. I own, sir, I am surprized at this information, which is, I presume, a state secret, communicated from the executive department. My honorable colleague, who is the pattern of discretion, who was the monitor, and threatened to be the castigator of those, who, from treachery or weakness, might betray or divulge the secrets of the Senate, cannot possibly allude to any thing on our files. He has, therefore, received this information from some other quarter, and I feel myself much obliged by his kind communication. But he must pardon me, sir, that until it comes forward in some body, shape, or condition, which I can grasp, I am compelled to withhold my faith.

Having thus examined the existent state of things, I proceed to consider the consequence to the United States, resulting from the possession of that country by France. To this effect I shall suppose the Floridas to be included in her newly acquired dominion, and shall state what I conceive to be the conduct which she will pursue. She will, I presume, consider herself as not bound by our treaty with Spain. Declaring this to the inhabitants of the western country, and repelling the claim of right, she will (as matter of favor) give them unlimited freedom of trade to and from New Orleans. At that place, she will eventually raise a considerable duty on exports, to pay the expence of her garrisons, and of the civil administration. But to compensate this, she will probably give an exclusive privilege of commerce to her colonies, and obtain from Spain and Holland similar privileges. Under these circumstances, let us examine the general and particular consequences to this our country.

The general consequences are those which affect our commerce, our revenue, our defence, and what is of more importance even than these, our union. Your commerce will suffer, because you will no longer hold the means of supplying the West-India islands subject to your single control, and because all the export from New Orleans, being, of course, in

French bottoms, your navigation will be proportionably diminished. Your revenue will suffer as much as your commerce. The extensive boundary of more than two thousand miles, will be stocked with goods for the purpose of contraband trade. The inhabitants will naturally take their supplies in that way. You must therefore multiply your revenue officers and their assistants, and while your receipt diminishes, the expence of collection will be encreased. As to what regards your defence, it is evident that the decrease of your navigation and revenue, must narrow your means of defence. You cannot provide the same force either by land or by sea; but the evil does not stop there. With this country in your possession, you have means of defence more ample, more important, more easy than any nation on earth. In a short time all the West-India islands, fed from your granaries, must depend on your will. And in consequence, all the powers of Europe who have colonies there, must court your friendship. Those rich sources of commercial importance will be as it were in your hands.... They will be pledges for the amity of others in seas and dominions far remote. It is a defence, which though it costs you nothing, is superior to fleets and armies. But let the resources of America be divided, (which must happen when the French are masters of New Orleans) and all this power and influence are gone. One half your resources will be in their hands, and they will laugh at your feeble attempts with the other half. It is the interest of this country that the possessions of European powers in the West-Indies should be secured to them. And in this view of the subject it is important that the island of St. Domingo should be subjected by France, it would therefore have been wise to have aided in that subjugation. There is indeed a special reason for it beyond the considerations of external policy. That event will give to your slaves the conviction that it is impossible for them to become free. Men in their unhappy condition must be impelled by fear, and discouraged by despair. Yes!...The impulsion of fear must be strengthened by the hand of despair! Consider, moreover, your condition in the wars which are most likely to happen. These must be either with France or England. If with France, your interior is ruined; if with England, the commerce of the Atlantic states will be distressed, and that of the western country too, though not perhaps in so great a degree. Thus let the war be with whichsoever of those nations it may, one half of the United States must be peculiarly injured; and in all cases it will be difficult for them to assist each

other. The interior has no seamen for naval defence, the seaboard can send few if any troops beyond the mountains. This powerful influence of one nation on one great division of our country, and of another nation on the remainder, will tend to disunite us. The ridge of mountains will mark the line of distinct interests. The effect of those differing interests will be felt in your councils. It will find its way to this floor. This must be the case so long as man is man. Look I pray at those nations. The enmity of France and England can terminate only by the subjection of one to the dominion of the other. It must be by the complete exertion of force, and the utter impossibility of resistance. They are the Rome and Carthage of modern times. Their implacable spirit will stimulate them to attempt a division of this country, by sentiments of hatred, deadly as their own. These efforts will, I hope, be vain: but with such powerful engines to operate on the interest and the will, is there not danger to that union so essential to our prosperity? There will be a constant struggle in Congress as to the kind of public force which ought to be maintained. The one part will desire an army, the other a navy. The unyielding spirit of party, will, perhaps, prevent the support of either; leaving the nation completely defenceless, and thereby increasing the power of those who may influence or command our destinies. For let it be remembered, that a nation without public force, is not an independent nation. In a greater or smaller degree, she will receive the law from others.

Having thus considered the effect of this cession upon the United States, in a general point of view, let us now examine it more particularly, as it regards the greater divisions of our country, the western, the southern, the middle, and the eastern states. I fear, sir, I shall detain you longer than I intended, certainly longer than the light of day will last, notwithstanding my effort to comprise what I have to say in the smallest compass. As to the western states, the effects will be remote and immediate. Those more remote may be examined under the twofold aspect of peace and war. In peace they will suffer the diminution of price for their produce. The advantage of supplying the French, Dutch, and Spanish colonies, may at first sight lead to a different opinion; but when the port of New Orleans is shut to all but French ships, there will no longer be that competition which now exists, and which always results in the highest price that commodities can bear. The French merchants have neither the large capital, nor have they the steady temper and persevering industry which

foster commerce. Their invariable object in trade, is to acquire sudden wealth by large profit; and if that cannot be done, they abandon the pursuit for some new project. Certain of the market, and certain of the encreasing supply, they will prescribe the price, both to those who cultivate, and to those who consume. Such will be the effect in peace. In a war with England, the attention of her fleets to cut off supplies from her enemies, must necessarily affect the price of produce in a still greater degree; and in a war with France it will bear no price at all, until New Orleans shall be wrested from their grasp. Add to this the danger and the devastation from the troops of that country, aided by innumerable hosts of savages from the western wilds. Such being the evident effects to be produced in times not far remote, the present evil follows from the anticipation of them. The price of land must be reduced from the certainty that its produce will become less valuable. The flood of emigration to those fertile regions must cease to flow. The debts incurred in the hope of advantageous sales, must remain unpaid. The distress of the debtor, must then recoil on his creditor, and, from the common relations of society, become general.

What will be the effect on the southern states? Georgia, Carolina, and the Mississippi Territory are exposed to invasion from the Floridas and New Orleans. There are circumstances in that portion of America which render the invasion easy, and the defence difficult. Pensacola, though the climate be warm, is among the healthiest spots on earth. Not only a large garrison, but an army may remain there without hazard. At Pensacola and St. Augustine, forces may be assembled to operate in that season of the year, when the morasses which separate them from our southern frontier no longer breathe pestilence. By what are those armies to be opposed? Will you call the militia from the north to assist their southern brethren? They are too remote. Will you to secure their seasonable aid, bring them early to the fields they are ordered to defend? They must perish. The climate more fatal than the sword, will destroy them before they see their foe. The country adjoining to our southern frontier is now in possession of the most numerous tribes of savages we are acquainted with. The access to it from New Orleans and the Floridas is easy and immediate. The toys and gewgaws manufactured in France, will be scattered in abundance, to win their affections, and seduce them from their present connection. The talents of the French to gain the good will of the savages is

well known, and the disposition of those uncultured men for war, is equally notorious. Here then is a powerful instrument of destruction, which may be used against you with ruinous effect. Besides, what is the population of the southern states? Do you not tremble when you look at it? Have we not within these few days passed a law to prevent the importation of certain dangerous characters? What will hinder them from arriving in the Floridas, and what can guard the approach from thence to our southern frontier? These pernicious emissaries may stimulate with a prospect of freedom the miserable men who now toil without hope. They may excite them to imitate a fatal example, and to act over those scenes which fill our minds with horror. When the train shall be laid; when the conspiracy shall be ripe; when the armies of France shall have reached your frontier, the firing of the first musket will be a signal for general carnage and conflagration. If you will not see your danger now, the time must soon arrive when you shall feel it. The southern states being exposed to such imminent danger, their representatives may be made to know, that a vote given in Congress shall realize the worst apprehensions. You will then feel their danger even on this floor.

Such being the probable result, as to the southern, what will it be to the middle states? Their trade to the West-India islands is gone the moment that country is in possession of the French. England, to whose dominions alone they can have recourse for the vent of their produce and the purchase of their supplies, will confine that commerce to her own ships. I say the moment the French are in possession of New Orleans your West-India trade is gone. I do not mean that this effect will be sudden as a flash of lightning, but it will be gone in a few years, which may be considered as a moment when compared with national existence. You will then be dependant for that trade on the good will of England, and, as your navigation decreases, your dependence will be still greater, because you will rely on her navy for your protection. I again repeat, that when it shall be a question in your councils whether you will have a navy, the increasing weight of the western country will be thrown into the scale of opposition. They will insist on an army for their protection. My honorable colleague has expressed his fears from a standing army. Sir, your present negligence will put you under the necessity of having such an army, and expose you to all the consequences to be apprehended from it. You may indeed remain united in a body as one nation, but with such contrarient interests

and opinions, with sentiments and views so different, it will be a large and languishing body without a soul.

To the eastern states, when separately considered, this may appear a matter of less moment than to the other great divisions of our country. But they will perceive in it the loss of their navigation ; they will see the theatre of their industrious exertions contracted ; they will feel the loss of the productions of that western world in the mass of their commercial operations ; and above all, they will feel the loss of an ample resource for their children. These western regions are peculiarly their heritage. It is the property of the fathers of America which they hold in trust for their children. The exuberant population of the eastern states flows in a steady stream to the western world, and if that be rendered useless, or pass under the dominion of a foreign power, the fairest hope of posterity is destroyed. The time may come, and I fear it will come, when those who cross the mountains will cross the line of jurisdiction. Whether we consider, therefore, this object in its relations to our general policy, or examine its bearings on the greater divisions of our country, we find ample reason to agree with the gentleman near me, that New Orleans and the Floridas must not be separated from the United States.

Let us now consider the consequence of the cession we complain of to other nations, and this we may do generally, and then more especially as to those who have a direct and immediate interest in the transaction. In a general view, the first prominant feature is the Colossal power of France. Dangerous to Europe and to the world, what will be the effect of a great increase of that power ! Look at Europe. One half of it is blotted from the list of empire. Austria, Russia, Prussia, and Britain are the only powers remaining, except Sweden and Denmark, and they are paralized. Where is Italy, Switzerland, Flanders, and all Germany west of the Rhine ? Gone, swallowed up in the empire of the Gauls. Holland, Spain, Portugal, reduced to a state of submission and dependence.... What is the situation of the powers that remain ? Austria is cut off from Italy, the great object of her ambition for more than three centuries ; long the rival of France, long balancing with the Bourbons the fate of Europe, she must now submit, and tacitly acknowlege to the world the superiority of her foe, and her own humiliation. Prussia, under the auspices of the great Frederick, was at the head of a Germanic league to balance the imperial power. Though united with Austria for

a moment in the hollow league of the coalition, she has, like Austria, been actuated by a blind jealousy, and favouring the operations of France for the ruin of her rival, expected to share largely in the general spoil. In this fond hope she is disappointed; she now sees the power of France at her door. There is not a fortress from the Rhine to the Baltic, except Magdebourgh, which the First Consul may leave on his left. The fertile plains near Leipsic contain the magazines for his armies when he shall think proper to march to Berlin. Westphalia and lower Saxony are open, on the side of Flanders and Holland. The Maine presents him a military road to the borders of Bohemia. By the Necker he approaches Ulm, and establishes himself on the Danube. These rivers enable him to take the vast resources of his wide domain to the point where he may wish to employ them. Menacing at pleasure his neighbors, he is himself secured by a line of fortresses along his whole frontier. Switzerland, which was the only feeble point of his defence, and which separated his Gallic and Italian dominions, has lately been subjected. The voice you now hear warned the Swiss of their fate more than eight years ago. The idea seemed then extravagant; but realized, it appears but as a necessary incident. Russia is deprived of her influence in Germany, and thereby of a principal instrument by which her policy might operate on the great powers of the south. The Germanic body is indeed in the hand of the First Consul. Three new electors along the Rhine are under the mouths of his cannon. They dare not speak.... Speak! None dare speak.... *They* dare not *think* any thing inconsistent with his wishes. Even at their courtly feasts they sit like Damocles, destruction suspended over their heads by a single hair. Would you know the sentiment of England? Look at the debates. In the two houses of parliament they speak their fears. Such being the general sentiment of Europe, can it be supposed that they will view without anxiety a new extension of that power and dominion, the object of their hatred and apprehension.

Will it be said that there is a security to the freedom of mankind from the moderation with which this enormous power is to be exercised? Vain delusion! This power is not the result of accident. At the moment when France dethroned her sovereign, it was easy to foresee that a contest must ensue in which her existence would be staked against the empire of the world. If not conquered by surrounding princes (and the hope of such conquest unless by the aid of her own citizens

was idle) her numerous armies acquiring discipline must eventually conquer. She had the advantages of situation, and those which result from union, opposed to councils uncertain and selfish. It was easy also to foresee that, in the same progress of events, some fortunate soldier would seat himself on the vacant throne : for the idea of a French republic was always a ridiculous chimera. Bonaparte has placed himself at the head of that nation by deeds which cast a lustre on his name. In his splendid career he must proceed. When he ceases to act he will cease to reign. Whenever in any plan he fails, that moment he falls. He is condemned to magnificence. To him are forbidden the harmonies and the charities of social life. He commands a noble and gallant nation passionately fond of glory. That nation stimulates him to glorious enterprize, and because they are generous and brave, they ensure his success. Thus the same principle presents at once the object and the means. Impelled by imperious circumstances, he rules in Europe, and he will rule here also, unless by vigorous exertion you set a bound to his power.

Having cast thus a rapid glance on the general state of Europe, it remains to look particularly at the condition of England and Spain, so far as they may be affected by the cession of those provinces to France. England will see in it an increase of commerce and naval force for her rival. She will see imminent danger to her islands, and particularly to Jamaica. The climate of Pensacola has already been noticed. The position is of incalculable moment. During the sickly and hurricane season, fleets and armies may wait there in safety till their enemy shall be enfeebled and unprotected. Where will the British fleets and armies be stationed with equal advantage ? If they ask an asylum in your ports, you must refuse ; for should you listen to any such proposition your kindness would be considered as a hostile aggression. The influence of France on the United States (which has already been noticed) will give double weight to her representations. And this very influence is among the effects which Britain must deprecate. I have not time to dwell on this subject, nor many others as fully as I ought. The condition of Spain is not less worthy of notice. No two nations on earth have more rooted hatred for each other than France and Spain. There are none more different in essential points of character.... United, however, under sovereigns of the same family, these antipathies were wearing away. But the fatal stroke which destroyed the French monarch has severed that band. Force

has since produced not union, but submission. It is not in nature that the Spanish king should foster kindly sentiments for him who has decked himself in the spoil of his house.... The proud, the brave, and the loyal Castilian groans under the yoke which galls him, but which he cannot break, and sickens at the recollection of his ancient glory. His deep resentments are known, and it is to prevent their effects that he has been compelled to make the cession of those provinces.... France will then hold at her discretion the Spanish treasures, and the rich provinces of the New World. At the first symtom of hostile sentiment, she arrests the means of aggression. Thus the dependance of Spain is rendered absolute, aud her chains are riveted forever. Does Spain behold this state of things with calm indifference? No; she feels all the pangs of wounded pride, driven to the necessity of perpetuating its own humiliation.

A few words after what has already been said will suffice to shew the importance of those provinces to France. This results from the influence on her rival, on Spain, and on the United States; by means of the position, the resources and the means of aggression which those provinces afford. Enough has been said of the position. The resources are great and encreasing. Not only cotton and indigo will be furnished for her manufactures, but supplies and subsistence for her colonies and her troops. These resources too will be at the very point most important both for defence and aggression.... The same force will be ready to operate either against England, Spain, or America. Thus that force will be tripled in its moral effect, and influence alike the conduct of all against whom it may be directed. To what has been said on the facility with which we may be assailed, I might add much, but it is unnecessary. It behoves us, however, to consider well the spirit of the French government, which in all its changes, has never lost sight of this object. The French minister Mons. De la Luzerne, when Congress were deliberating on the ultimata for peace, obtained a resolution that our ministers should, as to our western boundary, treat under the dictation of France. Our ministers disdained the condition, and refused to obey. Their manly conduct obtained for you the countries whose fate is now suspended on your deliberations. Never, no never, has France lost sight of Louisiana. Never for a moment has she been blind to its importance.... Those who, driven from her bosom into exile, wandered about among us, have gathered and communicated the fullest infor-

nation. While they enjoyed your hospitality, they probed your weakness, and meditated the means of controlling your conduct. Whatever may be the fair appearances, rely on it that every Frenchman bears with him every where a French heart, and so he ought. I honor him for it. O! that Americans had always an American heart!

It remains to notice the advantage of this country to the United States, as it may relate to our power, our peace, our commerce, and above all, to our freedom. As to our power something has already been said on the peaceful influence which results from the dependance of colonies belonging to the great nations of Europe....add to this, that the product of those colonies must pass by our doors and be exposed to our cruisers. A further advantage is to be found in the ready means of invasion (in concert with the troops of others) if driven to the necessity of war. The possession of power will give us not only security, but peace. Peace indeed can never be safe but by the aid of power. Our disposition is pacific. It is our interest to be at peace, and the form of our government, while it secures to us the enjoyment of as much liberty as is possible, renders it particularly imprudent to risque in war, any change of the constitution. Grant us these provinces, and we can dictate the conditions of our commerce with the islands. Possessed of them, it will be doubly lucrative, and without them, wholly uncertain. There is another stream of profitable trade which will then flow in our channels. The risque and difficulty which Spain experiences in bringing home her treasures when she is at war, will naturally suggest the advantage of remitting them through this country. The produce of the Mexican mines may then be shipped directly to Asia. It will be paid for to Spain by bills on the commercial nations, and thus furnish to her the easy means of obtaining the supplies she may stand in need of. The bullion will be so much the more valuable, as the danger and expence of transportation are diminished. This, therefore, would have a beneficial result upon the whole commercial world. It would more especially emancipate Spain from her present thraldom. It would give a happy change to all her interior administration, and increase both her absolute and relative force. Let me say here, that it is our interest to preserve the authority of Spain over her American territory. We have enough of our own. We can have no wish to extend our dominion. We want men, not land. We are therefore the natural, and the safe guardians of Spain. On us she may rely with perfect

confidence. We can derive from that commerce, which it is her interest to permit, all the advantage we ought to ask. But great as are the benefits which will result from the possession of the Floridas and New Orleans, great as is their tendency to advance our power, secure our peace, and extend our commerce, there is a consideration, in comparison with which, commerce, peace, and power, are of but slight avail. These provinces will fortify the defences of our freedom. My honorable colleague has stated to you his apprehensions of standing armies. And yet, sir, if we be not possessed of this territory, standing armies become necessary. Without an imposing military force, the inhabitants of the western country will be in such immediate danger, that they must league with a neighbor who will have every thing to offer, and from whom they will have every thing to fear. This will lead to the worst of all wars, to civil war. And when that shall happen, liberty will soon be lost. The army which has defeated one half the nation, will easily lend itself to enslave the other. Such is the history, and such will ever be the fate of man. In this view then, above all others, is that possession most precious. When it is in our hands, we need no standing army. We can turn our whole attention to naval defence, which gives complete security both at home and abroad. When we have twenty ships of the line at sea, and there is no good reason why we should not have them, we shall be respected by all Europe. The sense of security resulting from such force, must give a new spring to industry and encrease the stock of national wealth. The expence, compared with the benefit, is moderate, nay, trifling. And let me here say one word as to national expence. Sir, whatever sums are necessary to secure the national independence, must be paid. They will not amount to one half of what it must cost us to be subdued. If we will not pay to be defended, we must pay for being conquered. There is no medium, and but the single alternative. In the proper expenditure for defence, therefore, is true economy, and every pitiful saving, inconsistent with that object, is the worst, the most profligate profusion.

Having now considered, in its various relations, the importance of these provinces, the way is open to estimate our chance of obtaining them by negociation. Let me ask on what ground you mean to treat? Do you expect to persuade? Do you hope to intimidate? If to persuade, what are your means of persuasion? Every gentleman admits the importance of this country. Think you the First Consul, whose capacious

mind embraces the globe, is alone ignorant of its value? Is he a child whom you may win by a rattle to comply with your wishes? Will you, like a nurse, sing to him a lullaby? If you have no hope from fondling attentions and soothing sounds, what have you to offer in exchange? Have you any thing to give which he will take? He wants power. You have no power. He wants dominion. You have no dominion. At least none that you can grant. He wants influence in Europe. And have you any influence in Europe? What, in the name of heaven, are the means by which you would render this negociation successful? Is it by some secret spell? Have you any magic power? Will you draw a circle and conjure up devils to assist you? Or do you rely on the charms of those beautiful girls with whom the gentleman near me says, the French grenadiers are to incorporate? If so, why don't you send an embassy of women? Gentlemen talk of the principles of our government, as if *they* could obtain for us the desired boon. But what will these principles avail? When you enquire as to the force of France, Austria, or Russia, do you ask whether they have a habeas corpus act, or a trial by jury? Do you estimate their power, discuss their interior police? No. The question is, how many battalions have they? What train of artillery can they bring into the field? How many ships can they send to sea? These are the important circumstances which command respect and facilitate negociation. Can you display these powerful motives? Alas! Alas! To all these questions you answer by one poor word....confidence....confidence....confidence....Yea, verily, we have confidence....We have faith and hope, aye: and we have charity too. Well.... Go to market with these christian virtues, and what will you get for them? Just nothing. Yet in the face of reason and experience, you have confidence: but in whom? Why, in our worthy President. But he cannot make the treaty alone. There must be two parties to a bargain. I ask if you have confidence also in the First Consul? But whither, in the name of heaven, does this confidence lead, and to what does it tend? The time is precious. We waste, and we have already wasted moments which will never return. You have already tried negociation. I say you have tried it, because I know you have a minister in France, and I am sure the first magistrate of our country cannot have been so negligent as not to pay attention to a subject which is confessedly of such magnitude. You have then negociated. And with what success? Why, instead of defeating the cession you have closed the

river. Instead of obtaining any advantage by a *new* treaty, you have lost the benefit of an old one. Such are the results of your negociation in Europe. In this country you have negociated to get back the privilege you are robbed of: and what follows? A prohibition to touch their shores. Instead of restoring the rights of treaty, they cut you off from the rights of humanity. Such is your splendid success from negociation; and yet gentlemen tell us we must continue to negociate. The honorable member from Kentucky, says that great lengths are gone in enquiring into, and rectifying the irregular procedure....He tells us a minister is just appointed, and it would therefore be inconsistent to fight just now: that moreover it would degrade the President's authority, and defeat his measures. The gentleman from Georgia, says we have no right to go to war till there shall be a refusal on the part of Spain; and my honorable colleague assures us, that if our wrongs are redressed by negociation, we can have no complaint. As to the lengths which are gone, it is for those gentlemen to appreciate their value, who know what they are. I profess my ignorance, and judging by effects, must withhold my confidence. If we must wait for a pointed refusal before we do ourselves right, I venture to predict a delay fatal to the peace of this country. But, sir, what is it we are to ask, the refusal of which will justify war? Is it (as my honorable colleague supposes) a mere restitution of a privilege wrongfully taken away? Sir, I answer in the words of the resolutions moved by my friend. "It does not consist with the dignity of this country to hold a right so important by a tenure so uncertain." But the honorable member from Maryland has told us that we need not cross the Atlantic to seek for precedents, that we have enough on our own archives; and he has had the goodness to mention our humble petitions presented to the king of Great Britain in 1775. We sent, says he, petition after petition. I am sure that honorable member has no wish that a minister should be sent to bear our humble petitions to the footstool of the First Consul's throne. But, sir, whether we treat or pray, it will end as it did in 1775, by war, unless we are determined to give up that independence which we then fought to establish. Let us consider a moment the natural course of this negociation. It is the interest of France to foster in us a hope from treaty, until she has put herself in a condition to frustrate all other hope. There can be no question therefore that she has avoided, and will avoid a direct refusal. And as long as we are content to accept of smooth speeches,

general assurances, vague assertions, and loose evasions, we shall have no want of that court currency. But why (it may be said) has she not already taken possession? Because her original plans have been greatly deranged. St. Domingo presented obstacles unexpected, and that enterprize must not be abandoned, for though the island may not in itself be of much consequence, though it must be ruined before it can be conquered, yet conquered it must be, for the world must continue to believe that the First Consul cannot fail in what he has undertaken. Much of his power rests on that opinion, and it must therefore be maintained. But there are other incidents beside those of St. Domingo which have had the same tendency. There followed on the general peace a serious discussion of the German indemnities; then the affairs of Italy; lately of Switzerland; and during the whole momentous period it was doubtful how far England would bear a continued invasion of the liberties of Europe. And it was evident that should the war recommence with England, the force sent to this country would be totally lost. It was important, therefore, to gain time; and for that very reason we should have insisted on an immediate decision. Such then is the state of this treaty so fondly desired. A treaty by which we are to ask much and offer nothing. A negociation in which we have no means to persuade. Have we any to intimidate? Where is your public force? You have none; and seem resolved not to have or use any. My honorable colleague tells us that war will encrease our debt one hundred millions, and that our people are not fond of taxes. He says we are trying a *new* experiment to pay our debts in a given period, which war would derange. It would injure, moreover, our pacific character, and might *draw down* the jealousy of all nations who have colonies. He believes that three-fourths of our people are opposed to war; but yet he thinks that nine months hence we shall be in a better condition. What is the effect of this language? Is it not to convince the adverse party that he has nothing to fear from a refusal? As to this experiment for the payment of our debts, whether it has the merit of novelty I shall not enquire; but I am bold to assert that the merit, be it what it may, is due to one of my worthy friends who formerly administered our finances. The same plan also has been adopted by another great statesman, (Mr. Pitt) who has for many years past provided regularly a fund to liquidate in a given period each debt which his nation has incurred. But does England trust her safety to the protection of her sinking

fund? No. She has fifty thousand seamen employed, and a hundred thousand soldiers....These form the shield of her defence. A gentleman near me has told us, that in case of war our mercantile capital is exposed in every part of the world. To this I answer, first, that the same objection will apply with equal weight upon any and every occasion. But further, I say, the argument is directly and completely against him. How does it stand? He admits that if negociation fails he will draw the sword. He goes further, and says he will throw away the scabbard. Now, sir, it is clear that if we operate at once, notice may be given to our merchants. Advices may be sent in season to every sea. And here let me say, that it is a duty of the government to apprize both our insurers and shippers of their dangerous situation. It is unwise as well as unjust to lull them into a fatal security. But suppose the treaty shall fail, and remember that the success or failure depends on Bonaparte, he will weigh the present declarations and act accordingly. He will commence a war on your commerce long before you know that war exists. I say, therefore, the argument is directly against the gentleman who used it. And here let me say one word on the comparative merits of the resolutions on your table. Those moved by my honorable friend give the President command not only of the militia, but of the naval and military force. They place money at his disposal, and what is most important, they put it in his power to use these efficient means. The resolutions moved as an amendment, authorize indeed a call for a greater number of militia, but when called they can do nothing but consume their rations. There is no power to bring them into action, and of course the expence is useless, even for the purpose of influence.

Having endeavored to shew that we have no hope from treaty, it only remains to consider the natural effect of taking an immediate possession. Against this measure it has been said, that war, instead of giving relief, will absolutely shut up the Mississippi. That a single seventy-four in the mouth of that river would stop it effectually. I believe, sir, it would not only stop but turn it; for a seventy-four would run aground and obstruct the channel. But what is the amount of these observations? The gentlemen all agree that if they cannot obtain their object without war, they will fight for it. The mischief they deprecate must therefore arrive, unless there be a well grounded hope from treaty, and the only difference is, that they are willing to take a longer term of sufference, because they have a stronger expectation of relief without the

exertion of force. I have no such expectation. I shall, therefore, proceed to consider what will follow if we take possession *without* a previous alliance with Britain, or *with* such an alliance. I have heard it urged in conversation that such alliance should first be made, and therefore I think it proper to take up the subject in debate. I cannot, however, but remark on the different language now held from that which we heard a year ago. Then it was the fashion to say, we had nothing to do with other nations. And when a man of plain sense observed that this disposition was of little avail, because other nations would have something to do with us; and when the particular danger we now see was pointed out; Oh! then, to be sure, there was nothing to apprehend from our dear sister republic! I censure no man for adopting other and wiser principles. I have no question but that as gentlemen proceed in the business of government, they will see the folly of many other fanciful notions, but I must entreat them not to fly from one extreme to the other. I hesitate not to give my opinion that we ought to take possession without consulting Great Britain. And having done so, let us declare to France that we mean to live with her in perfect amity. Let us offer every assistance in our power to conquer and preserve St. Domingo. Let us shew her that we have done an act of mere defence. Let us prove our pacific disposition by declaring that we are under the tie of no obligation to her rival. To Spain let us hold a similar language. Let us point out her present danger and demonstrate the utility of our possession. To both let us offer to relinquish our claims for spoliations on our commerce and pay our own merchants. We can well afford to purchase with that price, a price paid to ourselves. Finally, if our representations do not produce the desired effect, let us tell them that we will ally ourselves to England, and aid in the conquest of all their American dominions. Sir, this language will be listened to. Rely on it that under such circumstances neither France nor Spain dare send hither a single regiment or a single ship. The existence of the British naval force will alone produce all the effect you could ask from its operation. But what are we to hope from a delay until an alliance shall be made? What will be the stipulations of the treaty of alliance? These may be more or less onerous or pernicious. Certainly the British minister will not hazard the fate of his nation without the hope of some correspondent advantage. One stipulation is certain. We must agree to continue the war until a peace can be obtained by common con-

sent: and this is precisely the stipulation which we ought not to make, if it can be avoided; because we shall then be no longer masters of our exterior relations. To this it may be objected, that we cannot expect aid from Britain without a previous treaty. I ask what reliance you have for aid *with* treaty? The answer is, that it will be her interest. And, sir, it is her interest to give that aid without treaty.

I have now gone through this tedious discussion. I have trespassed on your patience more than I wished, although, from the lateness of the hour, much has been omitted of what I ought to have said. I have endeavored to shew that under the existing circumstances, we are now actually at war, and have no choice but manly resistance or vile submission. That the possession of this country by France is dangerous to other nations, but fatal to us. That it forms a natural and necessary part of our empire, that to use the strong language of the gentleman near me, it is joined to us by the hand of the Almighty, and that we have no hope of obtaining it by treaty. If indeed there be any such hope, it must be by adopting the resolutions offered by my honorable friend. Sir, I wish for peace....I wish the negociation may succeed, and therefore I strongly urge you to adopt those resolutions. But though you should adopt them, they alone will not insure success. I have no hesitation in saying that you ought to have taken possession of New Orleans and the Floridas, the instant your treaty was violated. You ought to do it now. Your rights are invaded, confidence in negociation is vain: there is therefore no alternative but force. You are exposed to imminent present danger. You have the prospect of great future advantage. You are justified by the clearest principles of right. You are urged by the strongest motives of policy. You are commanded by every sentiment of national dignity. Look at the conduct of America in her infant years. When there was no actual invasion of right, but only a claim to invade....She resisted the claim. She spurned the insult. Did we then hesitate? Did we then wait for foreign alliance? No....animated with the spirit, warmed with the soul of freedom, we threw our oaths of allegiance in the face of our sovereign, and committed our fortunes and our fate to the God of battles. We then were subjects. We had not then attained to the dignity of an independent republic. We then had no rank among the nations of the earth. But we had the spirit which deserved that elevated station. And now that we have gained it, shall we fall from our honor?

Sir, I repeat to you that I wish for peace: real, lasting, honorable peace. To obtain and secure this blessing, let us, by a bold and decisive conduct, convince the powers of Europe that we are determined to defend our rights; that we will not submit to insult; that we will not bear degradation. This is the conduct which becomes a generous people. This conduct will command the respect of the world. Nay, sir, it may rouse all Europe to a proper sense of their situation. They see that the balance of power on which their liberties depend, is, if not destroyed, in extreme danger. They know that the dominion of France has been extended by the sword over millions who groan in the servitude of their new masters. These unwilling subjects are ripe for revolt. The empire of the Gauls is not like that of Rome secured by political institutions. It may yet be broken. But whatever may be the conduct of others, let us act as becomes ourselves. I cannot believe with my honorable colleague, that three-fourths of America are opposed to vigorous measures. I cannot believe that they will meanly refuse to pay the sums needful to vindicate their honor and support their independence. Sir, this is a libel on the people of America. They will disdain submission to the proudest sovereign on earth. They have not lost the spirit of seventy-six. But, sir, if they are so base as to barter their rights for gold, if they are so vile that they will not defend their honor, they are unworthy of the rank they enjoy, and it is no matter how soon they are parcelled out among better masters.

My honorable friend from Pennsylvania, in opening this debate, pledged himself and his friends to support the executive government if they would adopt a manly conduct. I have no hesitation to renew that pledge. Act as becomes America, and all America will be united in your support. What is our conduct? Do we endeavor to fetter and trammel the executive authority? Do we oppose obstacles? Do we raise difficulties? No. We are willing to commit into the hands of the chief magistrate the treasure, the power, and the energies of the country. We ask for ourselves nothing. We expect nothing. All we ask is for our country. And although we do not believe in the success of treaty, yet the resolutions we move, and the language we hold, are calculated to promote it.

I have now performed, to the best of my power, the great duty which I owed to my country. I have given that advice which in my soul I believe to be the best. But I have little hope that it will be adopted. I fear that by feeble councils

we shall be exposed to a long and bloody war. This fear is, perhaps, ill founded, and if so I shall thank God that I was mistaken. I know that in the order of his Providence, the wisest ends frequently result from the most foolish measures. It is our duty to submit ourselves to his high dispensations. I know that war, with all its misery, is not wholly without advantage. It calls forth the energies of character, it favors the manly virtues, it gives elevation to sentiment, it produces national union, generates patriotic love, and infuses a just sense of national honor. If then we are doomed to war, let us meet it as we ought; and when the hour of trial comes, let it find us a band of brothers.

Sir, I have done, and I pray to Almighty God that this day's debate may eventuate in the prosperity, the freedom, the peace, the power, and the glory of our country.

Mr. WRIGHT (in explanation) said, the gentleman who spoke last had mistated his expressions and sentiments; he had stated that he (Mr. W.) had held forth the idea, that we should petition France for a redress of grievances, as we had in our colonial state petitioned Great Britain.

Mr. MORRIS, said he had not expressed himself so....it was not his intention to convey any such meaning.

Mr. WRIGHT. The gentleman has retracted and I am satisfied; though he did certainly so couch his language as to leave an impression of that abject kind.

Mr. TRACY moved a division of the question.

Mr. WRIGHT said the question was incapable of division, as it was on striking out all that follows the word resolved.

Gen. S. T. MASON said as the gentlemen appeared disposed to create a debate on a subject of no importance at that hour of the day, (half past seven P. M.) he would move for an adjournment.

A division was then called for, and upon counting, the Vice President declared the numbers twelve and twelve, that the house was equally divided, and that he was against an adjournment.

Mr. ANDERSON asked if the President of the Senate meant to say there were only twelve for an adjournment?.... He was answered in the affirmative. Mr. A. demanded a division, and upon counting, it appeared there were thirteen for adjourning, and twelve against it.

The house was adjourned.

FRIDAY, FEBRUARY 25.

The order of the day being read, on the resolutions offered by Mr. Ross....

Mr. ANDERSON (of Tennessee) said he rose with much diffidence, after the very able discussion which the subject had already undergone; after so many men distinguished among the first in our country, had treated it with so much ability, he could not expect to furnish many new facts or observations on the subject. But coming from that part of the country which is particularly interested in the discussion, he felt himself particularly bound to offer a few remarks, which some erroneous statements that had fallen in debate, from the gentleman from Delaware, (Mr. WHITE) particularly called for. He would, while he was up, endeavor to add a few observations on the resolutions.

The first of the resolutions appeared to him to be introduced merely with a view to involve the members who were opposed to hostile measures, in a dilemma. It was the assertion of a truth which no one would deny, but it was connected with other resolutions or assertions, which must from propriety bring the whole under a negative vote. Taking the naked proposition that we have a right to the place of deposit, we all agree; that it has been suspended, we are equally agreed; but there we stop; by prefacing their resolutions with these truths, they expect either to induce us to vote for other things repugnant to our judgment, or afford room for the imputation of wrong motives and clamor abroad. But we are not to be led astray in this way, nor are the people of this country to be so deceived. On the first organization of the government, the most earnest attention was directed to that river; and it is now as much an object of the care of government, as at any period since we have been an independent people. Gentlemen have not, therefore, represented the matter with that candor which the seriousness of the subject demanded. The navigation of the Mississippi has not been infringed on the present occasion, though the arguments of all, and the assertions of some, went to the extreme on that point. The river, he repeated, it was and continues to be open, and he could not discover the utility of our declaring our right to the free navigation when we are in full unmolested possession of the right. He could indeed discover something beside utility;

he could see a design no wise founded....the gentlemen expected with them the votes of the western members....they expected to play upon our passions, and to place us between the danger of unpopularity and the sense of personal feeling, in a case of a critical nature. But gentlemen would find themselves mistaken to the utmost; though he felt himself in common with other western members, responsible to his constituents, yet he would on all occasions where the sense of right impressed itself strongly on him, risk popularity to do right. On this occasion, he saw no danger of his popularity, because, although he was aware that the people whom he represented were dissatisfied, they respected their government and themselves too much to countenance any means that were not honorable and just, to obtain the deposit right.

The resolutions call upon us to declare the deprivation of the right of deposit to be hostile to our honor and interests. On this there were a variety of opinions; and it appears to be agreed, (for it was not contradicted by any) that the act of an individual unauthorised, cannot be either a cause of war, or an act of the government of which he is an officer. No gentleman has positively declared the act to be authorised by Spain....we have the best evidence that the case will admit, that it has not been authorised. As the act of an individual, therefore, it cannot affect the honor of this country. That the interests are affected are agreed on all hands, but then the due course of proceeding has been adopted, and redress is to be expected. If it should be denied us, we have our remedy, and it is then that it will become a point of honor. But now, as had been well said by his friend from Georgia, (Gen. Jackson) if we were to rashly declare the act of the individual contrary to our national honor, we could not retrogade. And if Spain should not do us justice, he trusted that we should then take our strong ground, and not give way a step. This would be the effect; gentlemen do not know the American character, they under rate it; there is not that levity in it which gentlemen suppose capable of being lightly led astray; the character of America is fixed....and when real necessity calls for their exertions, the people will require no artificial excitement.

It was said that the tenure we hold by is uncertain, and it was not consistent with our dignity. This was a ground upon which all the art and ingenuity for which the gentleman who framed the resolutions is so much distinguished for; it is calculated to seize upon the passions of western men by a shew of solicitude for the security of their rights and prosperity. But, however ingenious the contrivance, the deception

upon which it is founded, must destroy all its intended effect; for the facts upon which it rests for support, must first be acknowleged, before the conclusions can follow. And the notion of dignity with which the idea is connected must lead to a suspicion that something more is meant than bare right or justice, because in them alone true dignity rests.

The next point is that we must be secured in this, our absolute right. He would ask, was hostility and invasion of a neighbor's territory compatible with dignity, or the means calculated to give us this security? We all agree upon the necessity of the right, and of its permanent security. We differ very widely upon the mode by which we are to establish this security. This point had been dwelt on with very great labor by the gentleman from Pennsylvania, and discussed with particular splendor of language, and in a variety of views by the gentleman from New York, (Mr. Morris); but upon testing the eloquence and ingenuity of the gentlemen by simple facts, and comparing their erroneous conceptions of the western people, with the labor which they have employed to force arguments from extraneous sources, the only result which remains, is, that the gentlemen are very ingenious and very eloquent, but not at all convincing. For with all the pains they have taken to enlighten us, they have not produced a single reason why we should depart on this occasion from the course which had been ever pursued as the wisest policy by our government; they had not given us the remotest ground of justifiable hope, that even if we were to adopt their views, that we should be more likely to obtain our object in that shape. The gentlemen had invoked us to descend the river, but they had not told us what we should gain, nor even counted on the difficulties of the very first part of their project. They had kept out of sight what no wise man in public affairs will ever neglect the consideration of, the chances of adversity or of disappointment, from natural or accidental causes. They had not calculated even the consequences of a war which must be the inevitable result,...which would deprive us in the first instance of our treaty right, and which even after war had taken place, lives and money wasted, would leave us under the necessity of treating at last.

Having so far stated his exceptions to the leading features of the resolutions, he would not undertake to follow the gentlemen on the other side through all those mazes in which they had endeavored to perplex the subject, and bewilder the house; but he would offer a few observations on some detached points. A gentleman from Delaware had, he conceived,

thrown out an unwarrantable and indecorous insinuation, that there was a disposition in some of the members of that house to throw themselves at the footstool of the First Consul. That gentleman should know that such a disposition could not be countenanced, if it were conceived; and it would be doing injustice to his understanding to suppose that he had misunderstood the sentiments uttered by any gentleman. The uniform sentiment entertained and expressed, countenanced no such mean or dishonorable purpose; our object is to demand justice and redress for violated rights, and the security of those rights held under a treaty which had its existence prior to the treaty of cession from Spain to France. This was the usual course; what the motive of the gentleman was, who had made an insinuation so improper, he would not in that place express, but he had an opinion of that motive. We are told as a reason why we should seize upon New Orleans, that it belongs to France. This he conceived to be rather a sound reason why we should not attack it; for the suspension of our right is the act of a Spanish officer. The gentleman says, the Spaniards mean to usurp the exclusive navigation of the Mississippi. This is no doubt an artful mode of addressing the passions of the western people; but facts here overturn the most artful insinuations. The navigation of the Mississippi is not even brought into question....no obstruction has been so much as attempted to the navigation of that river; the sum of the injury and the dispute is the infringement of a right of deposit, and that granted only for a limited time at the place where it is suspended.

He says the western people will not wait for negociation. He could not conceive upon what kind of instinct or intelligence gentlemen could pretend to know the sentiments and character of the western people better than those who lived among them, and who immediately represented them. When did that part of the country manifest a disregard to the union, or the peace of their country? Did they not suffer their country to be cut in twain by the treaty of Holstein, and one half ceded to the Indians, and did they not suffer all the attendant evils patiently? For what end? Because the public good required it.

From time to time, he had heard in that house and in other places, the most wanton and cruel aspersions cast upon the people of the western country. He knew not how gentlemen could reconcile their pretensions of regard for the western people, with odious imputations which were constantly

cast upon their attachment. The whole of the opposition appeared to concur in their illiberality towards the western people, at the very moment they were professing so much zeal for their good. The late President of the United States had in a most unwarrantable manner told him, that the western people were ready to hold out their hands to the first foreigner that should offer them an alliance; the same sentiment is echoed here, only in different terms. But such vile imputations attached not to the western people, but to those who employed them. The western people are Americans, who wasted the spring-tide and summer of their days in the cause of their country; men, who having spent their patrimony in establishing their country's independence, travelled to the wilderness, to seek a homestead for themselves and children. Was it honorable, was it consistent with those labored efforts for their good, which we are told actuate gentlemen, to calumniate them in so unworthy a fashion? Gentlemen appear by their gestures to deny that they have been guilty of this calumny. But my charge against them is not of that evasive or double character which they deal in; the words they have used I have take down....they are, "The French would draw the western people into an alliance." "The western people would be influenced by the insidious emissaries of France." "Corruption would find its way among them, and be transferred even to that floor." Is this not calumny of the darkest hue? Is this the way in which 600,000 men are to be stigmatized? Men, a greater proportion of whom are soldiers who fought for the independence of America, than ever was to be found in the whole state (Delaware) to which the gentleman belongs.

Another gentleman from that state (Mr. Wells) had said yesterday, that the arguments from this side of the house had only tended to confirm him in the opinion which he had originally conceived. It was not the first time that he had heard this little species of argument employed; the gentlemen who are now in the minority, have been often obliged to their opponents for supplying them with this kind of conviction....it was too poor a species of consolation to them for him to entertain the least desire of depriving them of it.

Yet with all this disrespect for the western people, they tell us that they are their only friends....that after we have convinced them of the correctness of their opinions, we ought to confide in those whom we have convinced without intending it....that though we are ourselves convinced of the proprie-

ty of negociation, and although a majority of that Senate, and the executive, had already determined upon it, we should listen to those gentlemen, who say, that corrupt influence will find its way to this floor from the western country, and undo all we have done to adopt what they call measures of energy. Gentlemen have mistaken both their own powers of conversion, and the mode of argument which they have adopted to convert us, or to inspire confidence in their professions among the western people. We are always ready to defend our country when occasion calls, with something better than words....but we know that if there is honor in defending our country in battle, there is both honor and virtue in defending it by prudence, without dishonor.

This mode of defence he found contemplated by the resolutions offered as substitutes. The gentleman (Mr. Ross) had indeed, as is usual with him, upon the most desperate subject, made a very ingenious speech; but it was so much perplexed by subtlety, that like the Gordian knot, it appeared incapable of being untied but by the sword. He hoped, however, it would not require an Alexander to atchieve it.

During twelve years, eight of which one of the first men the world ever saw, or perhaps ever will see, presided over our affairs, the policy of pacific negociation prevailed in our councils; a policy somewhat more hostile in its aspect was attempted by his successor, but still negociation succeeded negociation, and success attended perseverance.

In the early stages of our existence, before we were yet a nation, it is indeed true that we drank of the cup of humiliation, even to the dregs; it was the natural effect of our dependant situation; of the prejudices that bound us, and from which great violence was necessary, and was employed to detach us. Such humiliation would not befit us now; no motives exist to demand or justify it; we were then a part of another nation, and connected with another government; we began by petition in the terms of abjectness and humility, which is incidental to subjects of monarchs; which is always necessary, in order to conceal the spirit and the presumption, of which monarchs are always jealous in their subjects; but abject as we appeared, the very temper and phrase of humility, deceived our oppressor into a belief that we were too lowly to entertain the manly temper of resistence against oppression....yet our precursory and our reiterated humility, did not unnerve our arms nor subdue our minds, when it became necessary to fling off the trammels of oppression....

The result we now enjoy. When that very power from which we had detached ourselves, refused to carry her treaty into execution....did we then go to war? She held several of our fortresses, we were entitled by every right of nature and the usage of nations to seize upon them; not like the right of deposit, a privilege enjoyed on the territory of another, but fortresses held, and in military array on our own territory. Did we then make war? No, we negociated; and when another power subsequently attacked us, we pursued the same course with the like success. The gentleman (Mr. Ross) has told us that when President Washington came into office, he would not have negociated for the Mississippi, had he not found the negociation already begun. The gentleman has not told us upon what authority he states this, or how he came to possess the knowlege of a fact of which all others are ignorant, a fact too, contradictory of his practice through his life, and of the principles of that legacy which he left to his country.

It was not to be expected that he should, coming from the interior of America, be competent to discuss the policy and balance of power in Europe. Indeed, if it were not from an apprehension of too much presumption, he would venture to say it was the height of absurdity to introduce their policy on a question like the present. We had been told also of the Romans, that they never negociated but on the line. This would of course lead us, if to any thing, to imitate the insolent and dominating spirit of Roman conquest, the part of the Roman policy of all others most to be deprecated and avoided. He would rather prefer the policy of the ancient republics of Greece, whose practice was negociation in preference to war. The policy of all republics is in their nature pacific. The contrary is the character of other forms of governments. In monarchies and aristocracies, the rulers never suffer, and the people who suffer, have no influence or control. In republics, the people who likewise suffer, have their due weight, and happiness being their interest, they are ever averse from war.

If European lesssons can be of use, those of Britain and Spain in the time of Sir Robert Walpole, should instruct us: that minister had been repeatedly called upon to declare war, in consequence of aggressions, or alledged aggressions, of Spain; after two years he was forced into it reluctantly, but not until after several embassies had been sent and failed. Britain has had few ministers equal to him as a politician. But history will tell you, that at the peace which followed, no notice was taken of the spoliations for which the war commenced. If Great Britain

then failed, what are we to expect from a war. If we were to believe all that gentlemen insinuated yesterday, it would seem to be our intention to humble ourselves in dust and ashes, at the feet of the emperor of the Gauls....and to encourage this idea of our humiliation, the gentlemen tell us, that he has conquered all Europe, and that his mandate is *the law*. To insinuations of this unbecoming kind, he would tell the gentlemen, in the words of his friend from Georgia, (General JACKSON) that in defence of our country and its rights, we will, when we draw the sword, throw away the scabbard. Gentlemen thus menace us only to make us the cowards which they ficticiously describe us. But he would call their recollection to our revolution, where a people unarmed, undisciplined, halfpart disaffected, asserted their own liberties....without money or visible resources; attacked by the then first nation of Europe, aided by auxiliaries from Germany, and with the first naval force on the ocean. Need the gentlemen be told we *beat that great nation*. The gentleman, none of the gentlemen on that side, know the people of whom they talk. I have walked more in the common walks of life, than those who look down with disdain on the hardy husbandman, and who consider all bliss, as well as all power the peculiar right of an imaginary superiority, or an accindental capacity for luxurious extravagance....I saw the army which atchieved our liberties, and often have I traced their naked footsteps through the snow by the blood which gushed from their lacerated but untired feet.... Men who endure, and are capable of enduring such hardships, possess spirits which men, accustomed to slight and degrade them, cannot conceive. It is upon such men, and not on the disciples of luxury and frivolity, that America must depend for her liberties; it is of such men the ranks of her armies will be composed, and such are the men who compose the population of the western country. He knew this people, and that they wished for peace, though if justice required it, they would be in the ranks of battle, while those who asperse them would perhaps be at their toilettes. The resolutions substituted would accord with the wishes of his constituents, he would therefore support them. If negociation failed, and we are compelled to the dernier resort, we should then see if those who are for resistance would unite,and make a common cause with us.

Mr. WHITE (to explain) said, that the gentleman had in the evaporation of passion distorted and misrepresented him; he owed it to the public and the Senate, to shew that he would go as far as any one in his respect for the western country....

he would go as far as the gentleman, or farther. What he alluded to, with regard to French influence over the western people, was, that they would by means of their commerce, obtain an influence over them.

Mr. ANDERSON. It gave him much pain to be obliged to shew the gentleman that passion must have occasioned a total absence of memory, or reflection a conviction of error, which it would have been more generous in him to acknowlege than to aggravate. But since the gentleman did affect to Herod it, he must again tell him, that it was not of commerce or commercial influence he first spoke; he did say, "that corruption would find its way to the floor of that house;" What, commercial corruption in that house? No. How then? It must find its way by the corruption of the members, which the western country send to Congress. If he had told the gentleman, that Delaware was under the influence of Great Britain, and that corruption had made its way from thence to the floor of that house, what indignation ought not the gentleman and his colleague have a right to feel.

General S. T. MASON said, that if he were to consult the state of his health, he should not trouble the Senate with any remarks on the resolutions before them. But he had heard in the course of the debate, certain observations, such strange and paradoxical arguments, insinuations and assertions of such a nature as ought not to be passed unnoticed. Doubtful whether his strength would sustain him through the whole scope which in better health he should take, he would endeavor to limit his arguments to a few of the most prominent particulars, which excited his attention, and to the delivery of his reasons for preferring the substitute propositions of his friend from Kentucky (Mr. BRECKENRIDGE) to the original resolutions of the gentleman from Pennsylvania.

In presenting himself to the attention of the Senate, his voice, feeble at the best of times, would, after the boisterous blaze of declamation, and crackling of eloquence, with which they had been yesterday stunned, would demand particular indulgence. Feeble as he was, however, he was not daunted; objects and sounds, often present themselves to the senses which surprize without exciting curiosity, and confound without being comprehensible: mountains of sophistry, like mountains of vapor, fade before the simple and inoffensive rays of reason and truth.

The amendment on your table is to be preferred to the resolutions first proposed, because they breathe a spirit more

consistent with the practice of civilized nations, and more congenial with the character of the American people; they propose to effect what is reasonable, without tending to injustice or impolicy; they are the substitutes for propositions, novel, unnecessary, and extraordinary....such as this body has no power to adopt. The amendments go to obtain all that is required by the most prudent considerations; they provide a constitutional force adequate for any exigency within, and a force for exterior service, should it be found necessary to call it forth; we shall have a body of 80,000 militia, for home service, and a corps of volunteers for a legal period, and which might be marched out of our limits; arsenals on the spot, provided with all the stores requisite for actual service, should they be required. Resolved on peace, unless forced from our rights....then prepared for war.

The resolutions first offered are of a very different character, they seek a very different end....they tell us directly, *you must go and make war*, but they do not furnish the means. Does the gentleman not know that the militia cannot be sent on the service of invasion into the territory of their neighbors? Does he not know that we are destitute of any authority whatever to send them?....the constitution gives Congress the power over the militia to "suppress insurrections, and repel invasions," but nothing farther.

The amendments provide for the exigency if it should ever arise, and in an adequate manner. It is proposed to enroll volunteer corps, for such a length of time as may be expedient or necessary for the service, and to march on any service which may be required.

He had heard in the debate, many professions of confidence in the executive. He was very glad to hear such unusual expressions from that quarter. However, it was entitled to its due weight....what that was he would not enquire; but this he would say, that this unexpected ebullition of confidence went very much farther that he should be disposed to carry his confidence in any man or any President whatever. Gentlemen tell us that they are willing to entrust to the executive the power of going to war, or not, at his discretion....wonderful indeed is this sudden disposition to confidence. Why do not gentlemen give away that which they have some authority or right to bestow?...Who gave them the power to vest in any other authority than in Congress the right of declaring war. The framers of this constitution had too much experience to entrust such a power to any individual; they early, and

wisely foresaw, that though there might be men too virtuous to abuse such a power, that it ought not to be entrusted to any; and nugatory would be the authority of the Senate, if we could assume the right of transferring our constitutional functions to any man or set of men. It was a stretch of confidence which he would not trust to any President that ever lived, or that will live. He could not as one, without treason to the constitution, consent ever to relinquish the right of declaring war to any man, or men, beside Congress.

We are told that negociation is not the course which is proper for us to pursue. But to this he should reply, that such was the usage of all civilized nations; and, however, gentlemen might attempt to whittle away the strong ground taken by his friend from New York, he had shewn in a manner not to be shaken, that negociation before a resort to the last scourge of nations, is the course most consistent with good policy, as well as with universal practice. The gentleman from Pennsylvania had indeed told us that Great Britain had *departed* from that practice....unfortunately for Great Britain and the gentleman's argument, he told us at the same time, that she had sustained a most serious injury by her injustice and precipitation. She went to war to seek retribution, and after fighting a while, she left off, and forgot to ask the retribution for which she went to war! And this is the example held up for our imitation, because Great Britain violated the law of nations, we are called upon to do so too! We are told also, that Great Britain commenced war during our revolution against the Dutch, without any previous notification....that she did the same in the late war with France, and in both cases seized on the ships in her harbors....that is, like a professional bully, she struck first, and then told them she'd fight them.... and this is the gracious example held up to us.

The merits of the different propositions consisted in this, that by the amendments we propose, to seek the recourse of pacific nations....to follow up our own uniform practice; we pursue, in fact, the ordinary and rational course. The first resolutions, go at once to the point of war. This was openly and fairly acknowleged by the gentleman from New York, (Mr. G. Morris.) The gentleman from Pennsylvania, (Mr. Ross) indeed told us that it is not *war*....it was only *going* and taking *peaceable possession* of New Orleans! He did not before think the gentleman felt so little respect for the Senate, or estimated their understandings so much inferior to his own, as to call such a measure *an act of peace!* How did the gen-

tleman mean to *go*, and how *take* peaceable possession? Would he march at the head of the *posse committatus?* No! he would march at the head of 50,000 militia, and he would send forth the whole naval and regular force, armed and provided with military stores....He would enter their island, set fire to their warehouses, and bombard their city, desolate their farms and plantations, and having swept all their habitations away, after wading through streams of blood....he would tell those who had escaped destruction....we do not come here to make war on you....we are a very moderate, tender hearted kind of neighbors, and are come here *barely* to take *peaceable* possession of your territory! Why, sir, this is too naked not to be an insult to the understanding of a child!

But the gentleman from New York, (Mr. Morris) did not trifle with the Senate in such a stile....he threw of the mask at once, and in a down right manly way, fairly told us that he *liked war*....that was his favorite mode of negociating between nations....that *war* gave dignity to the species....that it drew forth the most noble energies of humanity! That gentleman scorned to tell us that he wished to take *peaceable* possession. No: He could not snivel, his vast genius spurned huckstering....his mighty soul would not bear to be locked up in a petty warehouse at New Orleans....he was for war, terrible glorious havoc! He tells you plainly, that you are not only to recover your rights, but you must remove your neighbors from their possessions, and repel those to whom they may transfer the soil....that Bonaparte's ambition is insatiable....that he will throw in colonies of Frenchmen, who will settle on your frontier for thousands of miles round about, (when he comes there;) and he does not forget to tell you of the imminent dangers which threaten *our good old friends* the English....He tells you that New Orleans is the lock, and you must seize upon the key and shut the door against this terrible Bonaparte, or he will come with his legions, and as Gulliver served the Lilliputians, *wash you off the map.* Not content in his great care for your honor and glory, as a statesman and a warrior, he turns prophet to oblige you....your safety in the present year or the next, does not satisfy him....his vast mind, untrammelled by the ordinary progression of chronology, looks over ages to come with a faculty bordering on omniscience, and conjures us to come forward and regulate the decrees of Providence at 10,000 years distance.

That gentleman, Mr. President, is a surprizing genius.... an amazingly great man....he could never have been intended

for this poor plain unpowdered republican era in which we live satisfied, but which must be a perpetual source of discontent to him. But it is not for us to arraign Providence! We are told that in the immensity of the universe, so unbounded is the space it occupies, that even this little ball of earth which we inhabit, is so comparatively insignificant and minute, that it would not be missed from the great galaxy; and yet we are told that in forming this little speck in the creation, omnipotence tired in six days and rested the seventh. In the construction of so immense a system, it would not then seem surprizing if, in the general confusion, souls had been shuffled into bodies never designed for them; or thrown by chance into ages for which their stupendous faculties were not fitted; who can say that the soul of that gentleman was not intended for some ancient sage or hero, or for some sage of future ages immensely remote, when America may have gone through a long career of greatness and degeneracy, after the manner of other nations. Such a soul, so heroic, and so hot for blood, would do honor to the Crusades....who can say that he was not intended for that age, and that the fall of Jerusalem was not owing to the unhappy accident of his being born out of his time, and in the wrong country!

The gentleman has, with great emphasis, repeated, that Florida must be ours. That this may be the case at some remote period, is not in the order of human events improbable. The natural progression of population would seem to indicate such an event. The geographical situation of that country, has long rendered such a theory familiar to speculative minds. But the gentleman says it must be ours *now*. Hence it appears that the deposit at New Orleans is really not the object which the gentleman's great mind contemplated. But how is Florida to be obtained? What injury have we sustained in Florida? Presently we shall be told we must have Louisiana; then the gold mines of Mexico....these would be very good things, if come by honestly....then Potosi....then St. Domingo, with their sugar, coffee, and all the rest. These likewise are all very good and comfortable things in their way, honorably and justly obtained. But what have we to do with the territories of other people? Have we not enough of our own? Have we not more than we can cultivate or sell?

If we suffer this rapacious spirit to prevail, Mr. President, what is to be our character?....our fate is not difficult to foresee. The nations of the old world will become jealous of our unjustifiable ambition....They will combine against us....

they will humble and curb us. The British belt that binds us to the north, will be drawn tight upon us....Should it appear that we seek to elbow out every European nation who possesses colonies on this side of the Atlantic....then would the sanguinary passions which pant for havoc and disorder, find ample scope for war and desolation....we should see those powers of Europe, lately armed against each other, combined against us.

But it is not with our European neighbors only that the fervid impatience of the gentleman would embroil us; not satisfied with Florida, and the lock and key of Louisiana, he launches us into the turbulent sea of European politics, and sets us to tilting for that phantom, the balance of power!.... Switzerland, Holland, Italy, Germany, Portugal, and Spain, are severally described as swallowed up by all devouring France; and not only are we to join in the crusade for restoring the lost balance of power, but we are invited to do more....we are invoked to come forth and tell the nations of Europe, that America is a young and manly nation, that we are eager to restore that balance of power....and that we will do ourselves the honor of leading the van in a new coalition!

Is any member of this house prepared for this? Is this the wish or will of the people of America? It requires no answer. We find the gentleman beginning with the deposit at New Orleans, and erecting an immense foundation for mischief on the rash act of a Spanish officer, in refusing us the right to deposit our produce in their territory....we are then carried back to anterior transactions, the capture of ships and the detention of seamen in the South American colonies of Spain....we are then alarmed about the dangers on our frontiers from a French colony....but at length the secret comes out....*we are told we must go to war to restrain the overgrown power of France!*....The gentlemen pant for war....and care not for what or with whom....they pursue war with a deplorable infatuation, and the most charitable construction that can be put upon their conduct is, that they know not what they do.

But we are not to be seduced from the sober policy which our situation and our experience commands. Under that illustrious character so often alluded to, we are told no aggression was ever submitted to with impunity....that there was no blockade of the North river, Savannah, or the Delaware. He would tell the gentleman, that there was a blockade more serious and extensive than the blockade of any or all those rivers ....the ocean was put in a state of blockade to us....our ships

were captured and confiscated....our citizens taken from on board our ships and put in irons....they were put on board British ships of war, and compelled to fight the battles of despotism, against men who were engaged in the defence of their country, against men fighting in the cause of liberty, and for whom a lively sympathy was felt on account of the services rendered to America by them in our revolution. Was this no injury? Yet the gentleman from Jersey, (Mr. DAYTON) tells us the time was when had a single American citizen been oppressed or injured, the national honor would have been roused and asserted in his defence! What a wonderful discovery; it is to be lamented that it is all a fiction....that it has no existence but in the gentleman's unconscious imagination. Was it when the commander of a British frigate, the British captain *Pigot*, stopped the American citizen captain *Jessup* at sea, and because he complained of having his men impressed, tied him up and flogged him at his gang way....that the sense of national dignity was displayed....or when else, if the gentleman could tell, he ought, and he should be glad to hear the *news?*

He insisted that the wrongs done to us since the peace of 1783, by the British, were more deep, dishonorable and afflicting, than any other, or than has happened, or can happen, in consequence of the affair at New Orleans. Yet war was not advocated when Britain insulted and wronged us; recourse was had to measures of a pacific, and of a more certain and efficacious nature. Certain commercial propositions were brought forward, to counteract and coerce by her commercial nerves, the nation that had wronged us; a procedure very different from the military peace-march to New Orleans. In the midst of the discussion of these resolutions, Gen. Washington appointed Mr. Jay to proceed upon a negociation; and the propositions were given up to await the issue of negociation. In all negociations which we have undertaken with sincerity, we have succeeded. Washington did all that the most pacific policy required, to prevent war; he did so with sincerity; and notwithstanding the adverse counsels by which he was sometimes deceived, it was his favorite principle to avoid foreign alliances, and to study the arts of peace with diligence and constancy. It must be recollected by many persons in that house, that in a correspondence which took place during the discussions on the British treaty, speaking of those who opposed that treaty, he called them the "*friends of war and confusion*"....how far the title was proper, is not here to be enquired; but it is put

to their consideration, whether gentlemen who oppose negociation and advocate taking *peaceable* possession of a foreign territory by *force of arms*, are or not entitled to the epithets. But whether the gentlemen agree on this point, whether they profess a peaceable inclination in the invasion of foreign territory with arms in their hands, or openly avow their design to be actual hostility, is very immaterial to the public, who will appreciate the consistency of their pretensions and their propositions.

It had been correctly stated, that the true course of our policy always has been, and always ought to be, to pursue negociation, in preference to any species of menace or hostility. It was more consistent with a confidence in our own resolution, for moderation in difficulty, is always the true criterion of courage. The course now proposed by the amendments of his friend from Kentucky, was the same that had been formerly adopted. When the proceedings of the legislature were arrested by *Jay's* mission, this was the course. Eighty thousand militia were voted, and the country was placed in its true position for defence, a reliance upon the patriotism and courage of freemen. The same course was adopted with regard to France, on a later occasion....and in both the effect was answerable to the intention....we obtained peace by negociation. Those who advocate war measures now, recommended very different measures, in the case of British aggression....one gentleman, from New Jersey, indeed, disclaims any merit on this score....he washes his hands of all the sin which attaches to a love of peace....he disavows and rejects such a groveling system....born a soldier, the language of war is to him the harmony of the spheres; war is never mentioned, without stirring up his proud recollection of those wonderful atchievements, in which he partook his share of glory, in the blood stained field....his sympathies are aroused....like the sympathies of an old coach horse at the crack of a whip! It is a kind of instinct. ....no one can account for it....but that it is a natural propensity....it bears an analogy to love, it is an indiscribable something....and great warriors have been ever great lovers.... indeed all the ancient knights were in love as a matter of course. The passion for war, lasts as long as life, but that of love, (from a natural cause) is not always as durable, the former seems already predominant with the gentleman from New Jersey, and has betrayed him into an unguarded concession; whilst vaunting of his military atchievements, he has told us that he was defending the state of New York, when my friend,

who now represents that state with so much benefit to his country, and honor to himself, (Mr. Clinton) was on his mother's lap, or in the egg-shell; this is making out the gentleman rather older than I expected he was, and is acknowleging a weight of years, that I should hardly have thought a man of his gallantry would have been willing to own, before so numerous and elegant a collection of ladies, as at this time honor us with their company.

But we are told by another redoubtable knight, that we must have New Orleans whether the Spaniards will or not.... no ceremony in his opinion is necessary....he says we want it and therefore must have it. Thus, if a buck of high metal, were to see a fine horse, he might tell the rider; sir, that is a very excellent horse indeed; I want it, and you must alight; I do not mean to rob you sir, but really you must dismount, and let me have the horse....A lady may like a fine transparent muslin, or a shawl, or brocade, or something else that is very fine and fashionable, she vows to heaven she must and will have it; they belong to the shopkeeper to be sure, but what does that signify, the lady wants them, and all she has to do is to knock the shopkeeper down and gratify her wishes. Exactly parallel is the conduct recommended to us. If we can indeed obtain New Orleans in an honest way, if the man will sell his horse, or the shopkeeper his goods, why then we may have it; but we cannot become so insensible to justice or to our true policy, as to invade and take the property of an ally before we have complained and demanded our rights violated by an officer of that ally. If negociation fails, it will then be justifiable in us to redress ourselves, and insist on our right; if our right is resisted, and further injury done, the laws and usages of nations will justify us in retaliating....and in such an event, which he did not expect, we might be justified in going farther and taking more. But this we could never do or attempt unless forced into a war. But as we are now called upon to act, nothing could be more unjust. We have heard of a right of ours under treaty being suspended, by we know not whom....all we know is, that a Spanish officer has undertaken to do this. But without telling your wrongs to his government, you are told to enter on the territory and spread fire, havoc, and desolation, among the unoffending and friendly inhabitants! Would the savage tribes of our wilderness do the like....they would not. You have just sent an ambassador upon this very subject, and you are told he must carry with him in his hand, an account of this invasion and ravage,

as his introduction to negociate on friendly and pacific terms! We empower him to demand redress of what we have undertaken to redress ourselves....We ask for justice, and our recommendation is injustice....We ask the Spanish government, will you please to restore us our deposit? when we have not only taken it, but the whole island. What would be the reception of our minister under such circumstances? He would be sent back....and we should be told that they would try to take from us by force, what we had usurped beyond our just claim. Such is the policy which gentlemen recommend.

Some gentlemen read us the newspapers, some private letters from God knows who....another tells us of the prince of Parma and the king of Eutruria, and the duke of Modena.... that Spain is the actual aggressor....then that France is the real mover....Further, from the same source we learn that lord Whitworth has arrived at Paris, and that the expedition of the French is suspended, because Great Britain wishes to purchase Louisiana. Thus it is demonstrated by the gentlemen themselves, that they know not, or care not, what they are doing, and that they are desirous of acting in the dark; for, if we raise the sword, we know not whether it is to fall on the head of Spain, France, or England. If it should happen to be on the last, some gentlemen would certainly deplore their present impetuosity.

We have been told that Spain had no right to cede Louisiana to France; that she had ceded to us the privilege of deposit, and had therefore no right to cede her territory without our consent! Are gentlemen disposed to wage war in support of this principle? Because she has given us a little privilege, a mere indulgence on her territory, is she thereby constrained from doing any thing for ever with her immense possessions? No doubt, if the gentleman, (Mr. Morris) were to be the negociator on this occasion, he would say....“ you mean “ to cede New Orleans; no, gentlemen, I beg your pardon, “ you cannot cede that, for we want it ourselves....and as to “ the Floridas, it would be very indiscreet to cede that, as, “ in all human probability, we shall want that also in less than “ 500 years from this day....and then, as to Louisiana, you “ surely could not think of that, for in something less than “ a thousand years, in the natural order of things, our popu- “ lation will progress towards that place also.”

If Spain has ceded those countries to France, the cession has been made with all the incumbrances and obligations to which it is subject by previous compact with us. Whether Bo-

naparte will execute these obligations with good faith, he could not say ; but to say that Spain has no right to cede, is a bold assertion indeed....The people of America will not go along with such doctrines, for they lead to ruin alone. We are also told, that the power of the Chief Consul is so great, that he puts up and pulls down all the nations of the old world at discretion, and that he can do so with us. Yet we are told by the wonderful statesman, who gives us this awful information, that we must go to war with this maker and destroyer of governments. If, after the unceasing pursuit of empire and conquest, which is thus presented to us, we take possession of his territory, from the gentleman's own declarations, what are we to expect, only that this wonderful man *who never abandons an object.....who thinks* his own and the nation's honor pledged to go through whatever he undertakes....will next attack us ? Does the gentleman think that this terrible picture, which his warm imagination has drawn, is a conclusive argument for proceeding to that war which he recommends ?

The Senate, Mr. President, at this moment, presents a very extraordinary aspect ; and by those not acquainted with our political affairs, it would appear a political phenomenon. Here we see a number of people from the eastern states and the seaboard, filled with the most extreme solicitude for the interest and rights of the western and inland states ; while the representatives of the western people themselves, appear to know nothing of this great danger, and to feel a full confidence in their government. The former declaring that the western people are all ready for revolt and open to seduction ; the latter ignorant of any such disposition, and indignant at the disgrace which is thrown on their character. In their great loving kindness for the western people, those new friends of theirs tell them, that they are a simple people, who do not know what is good for them, and that they will kindly undertake to do this for them. From the contiguous states of South Carolina, Georgia, Tennessee, and Kentucky, (those states from which the gentleman from Pennsylvania, by his resolutions, proposes to draw the militia,) every member of this house is opposed to war ; but from the east, (and one can scarcely refrain from laughing, to hear of the all important representatives of the state of Delaware in particular,) such is the passion for the wonderful, or the absurd, there prevails the liveliest sensibility for the western country !

Soon after the peace of 1783, our frontiers were in a situation where national feeling had much occasion for irrita-

tion. The British had not only retained their old garrisons on our territory contrary to treaty, but they actually advanced upon us, and erected new. Yet such was the extreme sensibility of the eastern states then, that they went to sleep in perfect composure....and their sensibility and their war rage was never roused until the British began to interfere with our commerce at sea....then indeed they began to rub their eyes, and to discover that there was some danger. But they continued still to feel very little for the western people....perhaps they did not know them so well....they had not yet *travelled over the western lands!*

These contradictions must be resolved by other than state interests; by other causes than any sufferings of particular states. They must be explained by events in times past, and by causes which do not belong to the interests or the happiness of the people. There are men in this country who entertain an incurable passion for war....there are some men who see no means by which their ambition can be gratified, but through the evils and distractions, the miseries and the discontents, inseparable from a state of war....There are, said he, such men....war leads to expence, and to discontent with the government which creates it....war strengthens the hands of executive power, and weakens the authority and the voice of the people....war multiplies the means of profusion and waste of the public treasures, in contracts and jobs....it gives a preponderance to one branch of the government over the rest.... From the beginning of this government, this struggle has been visible, where ambition has leagued with avarice against the interests of the people; and where there has been more pain and trouble occasioned by the incessant efforts of this combination, than all the other duties, cares, and incumbrances of government. Perhaps some gentlemen do not act from a consciousness of such motives....perhaps some few may act from opinion, and without personal or ambitious views....some perhaps conscientiously think that it would be preferable to lodge all authority in the executive, and to dispense with popular representation, or even ordinary legislation. Whatever might be the motives or the impressions of *this few*, this government was not made for them; it was made for the many, and must be so administered.

He could have enlarged much more on what had fallen in debate, but his strength would not enable him to pursue the examination much farther....he would, therefore, content himself with stating his reasons for prefering the substitute to the original resolutions.

This he considered to be a most favorable time for negociation. We are told that Bonaparte never gives up an enterprize. He will not then give up St. Domingo....he has attacked it, he has been disconcerted....and is pledged to accomplish it at any sacrifice. Great as that colony is, and perhaps he does not think so much of it as in a commercial view it merits, but if, as has been said, he wishes to preserve it as a necessary means for the reduction of the West Indies, this must be the most favorable opportunity for pressing a negociation. What may be attempted or expected from that negociation he would not say, because it was not proper, in the present stage of proceedings.

He stated, that the original resolutions, by delegating to the President of the United States, the power to invade the neighboring territory of an ally, with fifty thousand militia, and all our regular military force; whilst they betray the *most outrageous spirit of hostility*, they are evidently calculated to defeat all attempts at *friendly negociation*, and in two instances, most palpably *violate the constitution:* to Congress the power of making war is confided by the constitution, a power which they cannot transfer to the President or any other authority. Secondly, the militia can only be used by Congress "to suppress insurrections and repel invasions," they have no power to send them without the limits of the United States upon any object of conquest, or to avenge any national wrongs or indignities, that we may be supposed to have suffered. The militia force, therefore, if collected, could not be used for the purposes expressed in those resolutions.

But by the substitute offered by the gentleman from Kentucky, a greater force is to be held in a state of preparation, a part of these to be enlisted, or rather enrolled as volunteers, for a longer time of service than militia are liable to, and by the terms of their engagement may be marched any where that may be required of them, by an act of Congress. Arsenals are to be built, and arms and ammunition deposited in suitable situations, so that should war be unavoidable, every thing is placed in a state of perfect preparation for such an event. And when Congress, with whom the power of war is lodged, may think proper to declare it, the declaration of war may be followed by an immediate and effectual movement. Thus the resolutions proposed as an amendment, whilst they shew more temper, moderation, and justice, will be more effectual, should we find it necessary to resort to the last means of settling national disputes; they are such as the powers of Congress are competent to, and by not attempting more, argue at sincerity

of intention, which the others (from their very different character in this respect) may be suspected of wanting. Though the ostensible pretext of those resolutions, was to secure the deposit at New Orleans, yet it was evident, that their object was *war at all events*, these gentlemen seem to be all equally anxious for war, though they differ about the causes and inducements which should lead us to undertake it, and the means of pursuing it, seems to have been very crudely digested indeed. War is all they want, is all they wish....set it once going, and it will work afterwards to suit their purpose....give them but war, they care not with whom, or for what.

Mr. Cocke. The doctrines held by the gentleman from New York, (Mr. Morris) are curious. He tells us, Mr. President, that we must go to war for fear we may be compelled to go to war;....that we must attack the Spaniards because they are weak....and we must attack the French because they are powerful....we must force our western fellow citizens into a war, from an apprehension that if we do not, they will go to war themselves, and become our most formidable enemies! This he supposed, was what some people called oratory, but for which an honest man is at a loss to find a proper name. The love of peace he has declared to be a good reason for going to war; and this is more oratory. There was something said about a duke of Parma and Hercules, but this he supposed was oratory also....it was hardly possible to be serious upon this kind of doings. The gentleman in the same speech told us, that he did not know what the President was doing on this business; he has a bad memory for an orator, for it is but a few days since he was present at the nomination of James Monroe, to proceed to Europe as ambassador to negociate on the subject; this was at least something, and more was expressed in the message from the executive on the nomination. Why, sir, oratory appears to me a heap of contradictions; fine words may, to be sure, be very diverting, but they are not half so well calculated for a republican people as matter of fact. The gentlemen, indeed, appeared to think very differently, for we have been accused of wishing to keep their arguments and speeches from going abroad, and to keep to ourselves with closed doors, all their fine doings about the prince of Parma and the emperor of the Gauls, and about the prophecies of the gentleman to the Swiss so many years ago. He could assure gentlemen, that for his own part he entertained as little apprehension about their fine speeches as he did of the prince of Parma,

or the hero of Italy; and he believed his constituents generally, thought about as much of them, if they thought of them at all.

But gentlemen tell us our rights are invaded, and that we must go down and attack the sluggish Spaniard; and that we should do this in time, before Bonaparte comes, and builds a chain of fortifications along your frontiers. How are the public to understand all these things, we must not negociate, because the Spaniards are sluggards, and we must fight because Bonaparte, by the aid of that conjuring devil, which the gentleman talked of, is to build up a whole line of fortresses, all in one night, he supposed. These are the speeches which we are told, we were afraid of letting go out to the public....in which every thing is contradictory.

But how are we to account for this zeal for war, in those gentlemen now, who, not many years ago, were as violently bent on peace? They tell us, indeed, that there was a day when the character of America stood high, and when the poorest American individual could not be insulted with impunity; and that those were the days of Washington. Gentlemen have very bad memories, or they perhaps chuse to forget. Do those gentlemen forget Dorchester's speech to the Indians ....do they forget the possession of our forts on the lakes, contrary to treaty; when the savage Indians were daily murdering our citizens on the frontier, instigated by the British, when neither age nor sex was spared; what was the conduct of gentlemen then? Those things happened in the days of Washington, and where was the redress found? In war? Did we march an army to Montreal or Quebec? Did we even seize upon our own forts in our own states, which they held? No. What then did Washington do, Mr. President? Why sir, he did no more than we mean to do now; with a thousandth part of the provocation or injury; he negociated. If any circumstances justified war, it was those. But even my friends did not then propose to resort to arms, they proposed a commercial war, in which no blood was to be shed. But what did those gentlemen who now bellow forth war? They opposed even a commercial retaliation: they deprecated the dangers of a war, and proposed negociation, and sent an ambassador.

The British treaty was concluded, the gentlemen who now roar out war! war! then cried out peace, and eulogized that treaty. Yet in the twenty-second article of that treaty, we find the gentlemen have furnished another contradiction;

for that article says that neither of the contracting parties shall order or authorise any acts of reprisal against the other, on complaint of injury, until a statement thereof shall be presented to the injuring party, by the injured, verified by competent proof, and demand satisfaction, and not then unless redress is refused, or unreasonably delayed. This treaty was concluded under Washington, but it was also a part of a former treaty with Prussia; and with a subsequent treaty with the Dey of Algiers; the twenty second article of the treaty with whom was to the same effect. And this also was a treaty concluded by Washington, and all this was supported by the gentlemen who now drive at war. Where were Jupiter and Mars in that day....they were napping in the arms of some fuddled Bellona; while a grave judge was sent from the bench to the court of St. James', to kneel before her majesty of England, to kiss her sacred hand, and to pray her most gracious intercession with her magnanimous husband, to spare our frontiers from the scalping knife, and have pity on us. This was called asserting our dignity, in those boasted days....we never heard of the poorest individual meeting protection; and the representative of our republic was seen taking shelter under the royal robe, and aping the pomp and vanity of a vicious court and corrupt nobility.

The people of America, Mr. President, have had too much experience to be any longer deceived. Their eyes have been opened to the deceits which have been put upon them, and are now attempted again. They have on every occasion marked one prevailing feature of conduct in the party which now wish to stir up war; against every aggression of Great Britain, they shut their eyes; in their sight, the most flagrant acts of injustice from that quarter, are either justified or palliated; in whatever situation we are placed, with respect to other powers, the first consideration of this war party is, what is the interest of Great Britain on the subject? Every act of any power not allied to Great Britain, or in any manner opposed to her, is magnified and aggravated; and in all their speeches, we are sure to hear, either in the form of a direct proposal, or an hearsay insinuation, of an alliance offensive and defensive with England; we are menaced and flattered alternately with accounts of her navy; we are taught to believe her navy can destroy us, if we maintain our own rights, or if we prefer treating with others; while, if we have difference with powers to which England is opposed, we are invited to embark in a new crusade with her, and to lead the van of

her battles. The people see all these things, they have felt them, and can no longer be deceived.

Sir, while they guard against internal foes, the people are not indifferent to their rights, nor unwilling to maintain them, at every hazard. The business of New Orleans is in the hands of the executive, and the people confide in their own choice. If his efforts fail by negociation, the people will not fail to unite with one voice, and one arm, at the call of the government of their country.

Mr. W. C. Nicholas. If this was an ordinary question, his indisposition would prevent his taking any part in the discussion ; but as the representative of a state, more than one third of whose territory lies on the western waters, and which has upon all occasions manifested the most anxious solicitude to preserve our rights to the navigation of the river Mississippi, he felt himself bound to state to the Senate the reasons upon which he considered the propositions of his friend from Kentucky, entitled to a preference to the resolutions offered by the gentleman from Pennsylvania. However irksome it may be to him, he will never shrink from the discharge of a public duty, from personal considerations. Upon the present occasion, he would endeavor, as much as possible, to avoid a repetition of what had been said by others in favor of the amendment, and in opposition to the original resolutions. To make this the more certain, his observations should be more in the form of a reply to what had been said in support of the resolutions first offered, than a regular argument in favor of one proposition, or in opposition to the other. Had the gentleman who introduced this discussion, dealt frankly with the Senate, or understood the views of his own friends, and at once informed us what nations he meant to go to war with ; what the objects of the war were to be ; and the extent of the proposed conquests, much time and trouble would have been saved. When the gentleman from Pennsylvania, (Mr. Ross) opened his war project, his resentment appeared to be confined wholly to Spain ; his sole object the securing the navigation of the Mississippi, and our right to a convenient place of deposit on that river.

We were told by that gentleman, that we are bound to go to war for this right, which God and nature had given the western people. What are we to understand by this right, given by God and nature ? Surely not the right of deposit, for that was given by treaty, and as to the right of navigation, that has been neither suspended nor brought into question. But

we are told by the same gentleman, that the possession of New Orleans is necessary to our complete security, leaving to the gentleman's own conscience to settle the question as to the morality of taking that place, because it would be convenient; he would inform him that the possession of it will not give us complete security. The island of Cuba, from its position, and the excellence of its harbors, commands the gulph of Mexico as completely as New Orleans does the river Mississippi, and to give that complete security that he requires of the President, the island of Cuba must likewise be taken possession of. It has been shewn that the measures proposed by the gentleman from Pennsylvania, and he would again demonstrate it, if it was necessary, are calculated to bring upon the western country, all the mischiefs that gentleman has depicted as resulting to them from a loss of the navigation of the river Mississippi. If we are driven to war to assert our rights, the western people must make up their minds to bear that loss during the war; for without a naval superiority which we have not and cannot obtain, or the possession of Cuba, we shall not be able to avail ourselves of the navigation to any useful purpose. Although we may take possession of the Floridas and New Orleans, it is from a conviction of its pernicious effects upon the western country as well as other reasons, that he was averse to appealing to arms as long as there is a prospect of attaining our object in another way. It has been said in this debate, that war cannot take place without the interference of Great Britain, which he presumed is relied upon to give us a naval superiority. This, Mr. President, would be opening to us a new scene....at some period or other we may find ourselves forced to seek alliances with some power that has a considerable naval force; he could conceive a state of things that would make it prudent....But it certainly is not our interest or policy to precipitate ourselves into a situation that would make that a necessary measure. We have been warned by the experience of other nations, and by the admonitions of our most enlightened citizens, to avoid entangling alliances, to keep ourselves clear of such a connection with European nations, as would probably make us a party to all their wars; and he trusted that when a necessity did exist, if it ever should, there will be found wisdom enough in that department of our government in whom the power of negociation is vested to anticipate such a state of things.

It seemed to him that to begin a war upon such an expectation, and to depend upon future negociation for forming

connections to carry us through it with success, would be a system of policy too weak and childish ever to be pursued by an American Congress. It would be to submit the interest, and perhaps the honor of this country to a nation who would extort from us sacrifices as injurious as a disadvantageous peace would impose. And it must be obvious, that without the most discreet use of the power vested in Congress to make war, and a perfect co-operation between the treaty making power and the legislature, we shall subject our country to the greatest difficulties in this way. He would say nothing of the present state of Europe, to shew that there may be an indisposition in any nation to go to war, nor of the rival and conflicting interests of any nation with those of the United States. Every gentleman has full information upon these subjects, and will appreciate them as they merit.

The gentleman from Pennsylvania, probably distrusting the success of his measures, if they depended exclusively upon the act of the intendant of New Orleans, has brought into view, aggressions committed upon our commerce during the late war, and which that gentleman knows are in a train of adjustment, and could only have been mentioned by him with a view to produce the greatest possible degree of irritation against Spain. Upon this part of his argument he would make some further observations hereafter. As the discussion advanced, new objects and new adversaries were successively developed, until from the recovery of a commercial privilege, we were gradually led on to the emancipation, and indirectly to be the arbiters of the old and new worlds. The gentleman from New York, finding the weight of argument against him, and that a resort to arms would not be justifiable upon the ground taken by his friends, with a boldness and promptitude that characterizes veteran politicians, has not only assigned new and different causes for war, but new objects, and a new and more powerful enemy to cope with.

He no doubt felt the force of the arguments that have been used to shew the improbability that Spain would authorize an act that would produce a rupture with this country, at the moment that she was parting with Louisiana, and when she could not possibly derive any advantage from the wrong that she could do us by that act; and at a time when we know from unquestionable evidence that it is the desire of Spain to cultivate a good understanding with this country. He could give no credit to the suggestion, that the first Consul had required Spain to take that step. He knows that character too

well to believe that he would attempt to throw a responsibility upon others, for his measures, nor indeed could it be shewn that the first Consul would be in any way benefited by it; he knows the American character too well to believe that any of the reasons that have been assigned by his friends who have preceded him in this argument, would form a justification for a declaration of war, without a previous demand for a redress of the wrongs that we have sustained. He knows that our countrymen, with a courage and perseverance that does promise success in any war, are at all times ready when it is necessary to assert their rights with arms, but that they will not be employed in wars of ambition or conquest; and above all, he sees the folly of going to war with Spain, and taking from her a country that we should be obliged in honor and justice to give up to the French, perhaps the instant after we had taken possession of it....for if France would reinstate us in the rights and privileges that we hold under our treaty with Spain, I demand of the gentleman from New York, if he would wish this country to hold possession against France; and if he would, upon what ground he would justify it?

The cession was made to France before the injury done us by the Spanish officer: knowing this we take the country; upon France demanding it of us, we should be bound by every principle of honor and justice to give her possession, upon her engaging to respect properly our rights. Spain having injured us, surely will not justify our committing an outrage of the most injurious and insulting nature upon France. Would conduct like this, comport with the gentleman's ideas of national honor, about which we have heard so much in the course of this debate? Can it be, that an act, which, if perpetrated by an individual, would be robbery, can be justifiable in a nation? And can it be justifiable in the eyes of men, who believe there is nothing so precious or important as national honor? Can the usefulness or convenience of any acquisition justify us in taking from another by force, what we have no sort of right to? If these things come within the pale of his (Mr. Morris's) laws of honor, for my country I disclaim all obedience to them! The gentleman (Mr. Morris) has said, that the ceding of a country by the possessor to another country, is a good cause for war to a nation in the neighborhood of the country ceded. In this doctrine, he believed, the gentleman would find himself unsupported by any authority, or by the practice of nations; he would, on the contrary, find example constantly against him. Did Great Britain make war on Spain

or France, when Louisiana was ceded by the latter to the former? No. How is such a war to terminate? Should we be authorised to conquer the country, and hold it for ourselves? or must we make war with Spain and France, until we can oblige the former to resume the possession and government of the country? The cession to France cannot give us a right; and to make war for the restoration of the country to Spain, would be a madness unrivalled by any thing that has happened since the crusades for the recovery of the Holy Land. In this dilemma, the gentleman from New York, (Mr. Morris) abandons the ground taken by his friends, and instead of joining the gentleman from Pennsylvania, in charging the Spanish government with the blackest and most wanton perfidy towards this country, he speaks of that nation as disposed to do every thing that honor and good faith can require of her, but that she is humbled to the lowest state of degradation by the force of a superior power....in short, what he has said of that country is more likely to excite our commisseration than our vengeance: accordingly, the gentleman from New York (Mr. Morris) disdains a conflict with a nation that has been made the unwilling instrument of doing us wrong.

He put out of view all the considerations that influenced his friend from Pennsylvania; by the sound of his voice he dispels the whole force that his friend had brought up in martial array against us....throws away the mask and declares that France, not Spain, is the nation we are to go to war with. He would, as concisely as he could, recapitulate to the house, the principal reasons given by the gentlemen for going to war with France. The cessionof Louisiana is a sufficient cause for war; upon that subject he had said enough to shew its absurdity. We are told, and even by the gentleman from Pennsylvania, (Mr. Ross) that it is necessary to prevent the French from taking possession of that country, or they will seduce the people in the western parts of these states. This is the most extraordinary argument that ever was used, connected with what was the professed object of the resolutions under consideration. The object of the resolutions was said to be, to secure to those people the free navigation of the river, and a convenient place of deposit for their produce. This measure can alone be justified by a belief that we shall not be permitted to enjoy these important rights. This was at first said, but now it is openly avowed, that there is no fear of that sort; and the gentleman from New York, (Mr. Morris) not satisfied with insinuating this, has told us in plain terms, that France will not only

permit the free navigation of the river, and the right of deposit; but that they will give such great and exclusive advantages to the people in our western country, as will put them at the disposal of France, so that it is not to secure to our western brethren their rights that we are to go to war, but to prevent their having an extension of those rights. As a representative of a great number of western people, he felt himself alarmed for their interest, when he connected this with what fell from the gentleman, (Mr. MORRIS) when speaking of the effects upon the middle states of a cession of Louisiana to France; he said that France would give such a monopoly of the supply of their own islands, the Dutch and Spanish islands, to the western people, as would ruin the trade of the middle states. Is it consistent with a regard to the western people, or to the union of the states, to attempt to shew that the prosperity of one part of the union, is to cause the ruin of another? Are not these observations calculated to excite the jealousy of the Atlantic states against the western? Fortunately, however, the gentleman, (Mr. MORRIS) has used arguments so contradictory, that it is impossible they should produce an effect any where. In another part of his speech, he did say, if the French gained possession of Louisiana, that the western people would never obtain the value of their produce....that in time of peace there would be no purchasers, but French merchants who had no capital; and that in time of war there would be no price, as their trade would be cut off. Surely that gentleman can entertain very little respect for the Senate, when he ventures to use arguments so contradictory and inconsistent with each other. As to the danger of the western people, deserting and betraying their country, the suggestion deserved the severest reprehension.

There were not in America, men more attached or more faithful to the government of the United States, than they were; and I will venture to predict, from my knowledge of them, that they will be the last who will submit to the yoke of despotism, let it be attempted to be imposed on them by whom it may. If there is one part of America more interested than any other, in preserving the union of these states, and the present government, it is the western. Important as the Mississippi is to them, their free intercourse with the Atlantic states is more important....all their imports are received through that channel, and their most valuable exports are sold, and will continue to be so, in the Atlantic states. The same gentleman (Mr. MORRIS) says we must line our frontier with

custom house officers, to prevent smuggling....If there is any force in what he says upon this subject, we ought not only to take New Orleans and the Floridas, but Louisiana and all the British possessions on the continent. Another reason urged with great earnestness by the gentleman from New York, (Mr. Morris) is, that France, without this acquisition, is too powerful for the peace and security of the rest of the world....that half the nations that lately existed are gone.... that those that are left are afraid to act, and nation after nation falling at her nod.....that if France acquires the Floridas and New Orleans, it will put England and Spain completely in her power: giving to these places an importance that they do not merit....and yet that gentleman and his friends have repeatedly asserted, that war would not result from our taking immediate possession of those places; indeed they say it is the only way to avoid war. At one moment, the country is represented as so important as to make the first Consul the sovereign of the world; at the next, we are told, that we may take it without any sort of risk, and without a probability that either France or Spain will go to war with us, for the recovery of a country, so all important to them. In the language of the gentleman from Pennsylvania, I say, this idle tale may amuse children, but will not satisfy men.

Mr. President, we have nothing to fear from the colony of any European nation on this continent; they ought rather to be considered as a pledge of the good conduct of the mother country towards us; for such possessions must be held only during our pleasure.

Can France in fifty years, or in a century, establish a colony in any part of the territories now possessed by Spain, that could resist the power of the United States, even at this day, for a single campaign? What has been our progress since the year 1763, in settling our western country? In forty years, under the most favorable circumstances that a new country could be settled, we have only a population of between five and six hundred thousand souls, and this country is settled by men who knew it perfectly....by men who either carried all their friends with them, or who knew that their change of residence would not prevent their frequently seeing and hearing from their near relations. Can it be expected that any country will be peopled as fast, from a nation at the distance of three thousand miles, as our western country has been? And yet we are taught to be apprehensive of a colony to be landed tomorrow or next day, from Europe. Sir, if we are wise and

true to ourselves, we have nothing to fear from any nation, or combination of nations against us. We are too far removed from the theatre of European politics, to be embroiled in them, if we act with common discretion. Friendship with us, is the interest of every commercial and manufacturing nation. Our interest is not to encourage partialities or prejudices towards any, but to treat them all with justice and liberality. He should be sorry to reproach any nation....he would rather suffer former causes of reproach to be buried in oblivion; and he was happy to perceive that prejudices which were incidental to the war that we had been forced into in defence of our liberties, with a nation from which we are principally sprung, were fast wearing off. Those prejudices had been very powerfully revived, soon after our revolution had established our independence, by the aggressions of that nation, in various ways, more flagrant and atrocious than any thing we have to complain of at this day. The gentleman from Pennsylvania said, that this is not an apposite case, that at that time there was no blockade; it is true, there was not a blockade of one of our ports, nor is there now, (the river Mississippi is open for the passage of our boats and vessels,) but we were injured in a commercial point of view, in a more material manner than we should have been by the blockade of the Delaware or the Chesapeake, for all the countries (except Great Britain) to which it was desirable for us to trade, were declared to be in a state of blockade, and all our vessels going to those countries were subject to seizure. Let gentlemen call to mind what was the conduct of our government at that time; the house of representatives had the subject under consideration, when the then President appointed an envoy extraordinary, to demand satisfaction of Great Britain. What was the conduct of the members of the house of representatives, who were acting upon the subject, before it was known to them that the executive had taken any measures to obtain satisfaction for the injury sustained? Did they attempt to counteract the executive? No; they suspended all legislative discussions and legislative measures. And even then, the injuries done us by the actual invasion of our territory....the erection of fortifications within our limits...the withholding the posts that belonged to us by treaty, and the robbery and abuse of our citizens on the high seas, did not provoke us to declare war, nor even to dispossess the invaders of our territory, of what actually belonged to us. The executive proposed to negociate, and it was thought improper to obstruct it. How gentlemen, who approved of the interference of the

executive upon that occasion, can justify their attempt to defeat the efforts of the present administration to obtain redress for the injury that we now complain of; they must answer to their consciences and their country. Fortunately for the U. States, not only the President, but a majority of both houses of Congress, upon the present occasion, have put themselves in the gap between the pestilence and the people.

It has been asked in a triumphant tone (and it would seem as if gentlemen believed it could not be answered,) what have you to give for the restoration of those rights on the Mississippi, which you seek to recover and secure? For our rights, sir, we disdain to barter, they are not to be the subject of negociation. The business of our envoy, I presume, will be to demand their complete restoration, and indemnity for the privation; if in this he should fail, we have a sure resort in the bravery and patriotism of our countrymen, and the resources of our country. Have the gentlemen to learn at this day, that the American people are at all times ready to risk their lives and fortunes to assert their rights, and to preserve their real honor, that they can readily distinguish between the real calls of honor and the factitious appeals that will be so frequently addressed to them to answer particular purposes. For our rights, sir, I answer, we have nothing to give, but that we will risk every thing to secure them. As to an extension of our territory, or acquiring commercial advantages that do not of right belong to us, if any nation should be disposed to make us an offer of such, the gentlemen who have asked the question, know that we have the means of payment, in several different modes, if we choose to resort to them.

Having answered the question that has been asked of us, the gentleman from New York (Mr. Morris) will be so civil as to state to the Senate what we should have to give to the first Consul to induce him to let us hold New Orleans, and to Spain to prevail upon her to permit us to hold the Floridas, after taking these places? Or does the gentleman believe that the first Consul would be more disposed to accommodate us, after our committing as to him an unprovoked insult and outrage, than he would, if we had given him no just cause of complaint? Does the gentleman believe that the way to conciliate a man who he has represented as magnanimous in some things, who he describes as having conquered one half the world, and as contemplating the subjugation of the rest, I say, sir, does the gentleman believe, that the way to propitiate such a man, is to insult and injure him? If, as the gentleman

thinks, it is all important to this country to obtain the Floridas and New Orleans, there can be no doubt (if the thing is practicable) that we should be more likely to succeed by negociation before any act of hostilities on our part, than afterwards.

If the gentleman from New York had exerted his ingenuity as much to state the grounds upon which an expectation of the complete success of our envoy might be founded, he would have been at least as usefully employed to his country, as he has been in his attempt to shew that it will not succeed, and he would have avoided the palpable contradictions of his own arguments, that he has run into. The gentleman himself, without intending it, has assigned sufficient reasons why we might expect entire satisfaction. He has said truly, that America united, holds the command of the west Indies in her hands....This must be known to all the nations that have colonies there, it must likewise be known to the proprietors of Louisiana and the Floridas, that circumstanced as we at present are, there will be perpetual sources of contention between them and us; every thing that has happened as to the Mississippi, will be to be reacted as to the great rivers that head in what is now the Mississippi territory, and empty themselves into the gulf of Mexico, after passing through West Florida. In the infancy of the colonies that may be settled in Florida or Louisiana, the mother country can count upon nothing but expence, particularly if they are to be the causes of perpetual quarrels with this country. In twenty years the population of the United States will be nine or ten millions of people....one third of that population will probably be on the western waters. This will give a force in that quarter of the union, equal to that with which we contended with Great Britain; and our united force will be such, that no nation at the distance of three thousand miles, will be able to contend with us for any object in our neighbourhood. These considerations, with a belief, that if we are treated with justice and liberality, we shall never violate the rights of other nations, or suffer ourselves to be involved in the wars that may take place among the great European nations, are arguments that cannot be withstood, if the governments of France and Spain are in the hands of wise men; for they must see that they have nothing to hope from a contest with us, and that a union of our force, with a rival nation, would be productive of very serious danger and inconvenience to them. Much has been said about confidence in the executive; we have been chal-

lenged by the gentlemen on the other side of the house, to run the race of confidence with them....His confidence was as great in the present executive, as it could or ought to be; but much as he respected the chief magistrate, and those whom he has associated with himself in the administration, he could not go to the lengths of confidence which some gentlemen had suddenly found themselves disposed to proceed. He did not choose to confide the power of making war, to the discretion of any man whatever....That power, perhaps, the most important of all powers, belonged to the Congress; and to them alone....It would be treason against the constitution to transfer it to other hands....If we have a right to do it for a month or a year, we have a right to do it for twenty years. Shall we have to combat this despotic disposition with gentlemen, for ever? Is there to be no end to these attempts upon the constitution, and the weight of the people in public measures? Are we to be reproached then, for not confiding to the executive, powers that belong to the legislature? Are we to be reproached because we will not entrust powers in the hands of our friends, which we refused to our adversaries? He gloried in such reproach....he considered it as an eulogium.

But, gentlemen ought not to persuade themselves, that this mode of proceeding, can impose upon the house, or the public, an opinion of their sincerity: If gentlemen were really sincere, their conduct would be of a very different character.... if they wish to shew their confidence in the executive, they would not patronize the calumnies which are daily heaped upon the executive, in papers, which derive their support from their liberality, or that of their friends. They would, if sincere, repress that calumny, or withdraw their countenance from the papers which utter it. They would discountenance those infamous lies; many of which, from having lived in the neighborhood of the President, he was enabled to say, were groundless and infamous calumnies. There is another way, sir, in which those gentlemen may manifest their confidence in the President, and which the public good requires of them; it is that they acquiesce in the effort that he is making to obtain our rights, and security for those rights, by negociation; and thereby add to its chance of success....in this way their confidence could have been shewn in a manner useful to our country, and it may not yet be too late. We have been told of other acts of hostility on the part of Spain, prior to the restriction of our right of deposit. This was evidently intended

to irritate the public mind, but his friend from New-York, (Mr. CLINTON) had very properly and justly repelled that artifice....he had shewn that this was a seperate and distinct subject, that it had nothing to do with the New Orleans transactions; that though not at liberty to declare the source of his information, yet he would assert, that Spain has given indisputable evidence of a sincere disposition to do us justice for the injuries we sustained in our commerce, during the late war. From the course of this discussion, it is evident, that it was intended, not to enforce conviction on the minds of the members of this house, but to produce an effect out of doors; it was therefore important, that no erroneous statement of an important fact, should go abroad uncontradicted. A member from Delaware (Mr. WELLS) had said that our government had received information from the governor of New Orleans, that the right of deposit had been taken away, in consequence of orders from the competent authority, meaning the government of France or Spain. (Mr. WELLS rose to explain.) The gentleman says, he was not understood by me; a proof that I did so understand him, is, I made enquiries that enabled me to contradict, in the most positive manner, the information that I thought that gentleman had given to the Senate.

Mr. DAYTON said, he lamented exceedingly the indisposition of the honorable member from Virginia, (Mr. NICHOLAS) not only because it had compelled him to abridge his arguments, which always entertained, even when they failed to convince, but because to that distraction of mind which sickness often produces, could alone be ascribed the doubts expressed by that member, respecting the views of the advocates of the original resolutions. The difficulty of the opposers of the resolutions, would, he said, have been less, if the gentlemen who supported them had settled among themselves what was their object, and had ascertained with whom we were to make war. To both these points, Mr. D. said, the fullest and clearest answers had been given. Our object, says he, is to obtain a prompt redress of injuries immediately affecting our western brethren, who look to us for decisive and effectual measures, and have told us that a delay of remedy will be ruinous to them.....and our views and wishes are to take possession of the place of deposit guaranteed by treaty, whether it be in the hands of the one nation or the other, and to hold it as a security that the trade of so important a river should not be liable to similar interruptions in future.

We are not, as the gentleman from Virginia would insinuate, for rushing into a war, but we are for repelling insults, and insisting upon our rights, even at the risk of one. It was easy to foresee that the opposers of the resolutions offered by the honorable gentleman from Pennsylvania, must resort to other means than fair argument, to justify them in the course which they were about to pursue. Our most precious rights flagrantly violated, treaties perfidiously broken, the outlet or road to market of half a million of our fellow citizens obstructed, our trade shackled, our country grossly insulted, were facts too notorious, and too outrageous to allow them the least plausible ground of reasoning....Deprived of every other means of attack, they have resorted to that of alarm....They charge us with a thirst for war, and enter into a description of its horrors, as if they supposed that it was in our power to produce, or in theirs to prevent it. That which requires the concurrence of two parties, viz. contract or negociation, they consider most easy....and war, which may always be produced by one party only, they consider as most difficult. Nay, sir, they do what is more extraordinary and unpardonable, they shut their eyes to the fact, that hostility has already been commenced against us. Attacked and insulted as we had been, do we now, asked Mr. D. call for war? Let the resolutions give the answer. They begin with a declaration of certain rights, indisputable in their nature, indispensible in their possession, to the safety, peace, and union of this country. Not a member opposed to us has controverted them, except the honorable gentleman from Maryland, (Mr. WRIGHT.) He denied the truth of all except one of them, and even of a part of that one. His honorable friends from the western country, who are in the habit of acting with him, cannot thank him for such defence. The formerly well applied words, "*Non tali auxilio nec defensoribus istis egent*," must be applicable on this occasion, and it may be as well to leave them with each other to settle the question of their rights. But there is one article of the Maryland member's creed which ought not to escape comment, because, if adopted, it would be fatal to the union. I understood him, said Mr. D. as stating that inasmuch as the produce which descends the Mississippi bears a proportion of about a twentieth only to the exports of the whole union, it was not reasonable to expect that the other portion should be endangered to protect that minor part. If maxims like this were to actuate our councils, short indeed would be the duration of our independence. Our enemies would have only to attack us by piecemeal, state by state, to make us an easy

prey. The honorable member from Maryland could not hope for event hat gloomy consolation which we heard of on a former melancholly occasion. He could not flatter himself that he and his state would be left to be the *last victim.* But, Mr. President, every other gentleman appears to admit the truth of the prefatory declaration of rights....they admit too, that if we cannot be possessed of them otherwise, we must seize on them by force, but they refuse to give the means and the power to the President, in whom they have told us, over and over again, they repose implicit confidence. Is any one of the resolutions too imperative on the President, we will agree so to alter as to make it discretionary, if desired by any gentlemen on the other side ; for without their leave, we cannot now amend our own resolutions.

It is my consolation, Mr. President, said Mr. D. and it ought to be matter of triumph to my honorable friend, the mover of these resolutions, that, whatever may be their fate, the introduction and discussion of them will have produced no little benefit. They have brought forward gentlemen to pledge themselves in their speeches, to employ force on failure of negociation, which, though late, is better than never. They must be allowed the merit too of producing the resolutions which they offer as a substitute. These milk and water propositions of Mr. BRACKENRIDGE, will at least serve to shew that something should be done, some preparation made, and therefore even to these, feeble as they are, I will agree, if more cannot be carried. But let the relative merits of the two be compared. *Ours* authorise to call out of those militia nearest to the scene, and most interested in the event, a number not exceeding 50,000, and to give them orders to act, when the occasion requires it, in conjunction with the army and navy....*Theirs* authorise an enrolment of 80,000, dispersed over the whole continent, without any authority to act with them, however pressing the danger, nor even to march them out of their own state. *Ours* authorise the President to take immediate possession of some convenient place of deposit, as guaranteed by treaty, in order to afford immediate vent for the western produce, and relief to our suffering fellow citizens, and thereby put it out of the power of a Spanish intendant, whether acting from caprice, or orders from his court, to obstruct so important an outlet....*Theirs* give no such authority, but leave to the slow progress and uncertainty of negociation, that remedy, which, to delay, is almost as fatal as to refuse.

Mr. WRIGHT had not intended again to have spoken in the present debate, but had been constrained to it by the misrepresentation of the gentleman from Jersey, (Mr. DAYTON) who had *ventured* to declare, that " he had said, that the com-" merce of the Mississippi, was too insignificant for us to " risk a war in its defence." Was it possible that gentleman could have misconceived what he had said on that subject? He presumed not; his observations had been so far from *equivocal*, that they had been pointed, " that the right of deposit " was *all important*, and ought to be secured at all *hazard*".... He feared, there was a design to misrepresent; but that fact, the house for themselves would decide.

It was well known that he had strenuously advocated the rights of foreign nations, secured to them by the law of nations, and by their existing treaties: that he had reprobated as disgraceful, their violation; that he had endeavored to stamp the infamous practice with merited obloquy, and to drag to condign punishment, their infractions; and should it be said that he had a design to sacrifice the best interest of the western people, (a member of our government) secured to them by the *constitution* he had *sworn* to support; and that only because he had preferred the pacific measures that *had been* adopted, to a war!....He feared the gentleman had been governed by the unworthy spirit of recrimination, because he had detected his *mistatement* of the amount of exports from the Mississippi; and had by the production of the official documents on that subject, corrected his misrepresentations, which he considered to be his duty to correct, so that the house might not act on false premises....and in this opinion he was in some measure confirmed, by the gentleman's extraordinary attack yesterday on the gentleman from New York, (Mr. CLINTON) for his firm opposition to the gentleman's war measures; when with great acrimony he asked, where was that gentleman, (Mr. CLINTON) in 1776, when *he* was fighting the battles of his country? " He was," said he, " in the *egg-shell*, or in his mother's lap."....Was it a ground of reproof that a gentleman was not born before his time? No; it was a perfect excuse, he could not in that state be expected to take a part in the glorious contest....but I ask, where was his father? did he not hold a conspicuous rank in the armies of America? or have we forgot, that general Clinton was one of the saviours of his country; and have we not full proof that the son inherits his father's virtues....He, for his own part, had more than once unsheathed his sword in support of American independence;

but he thought that the gentleman from Jersey and himself, would both make a good bargain, could they exchange their revolutionary laurels with the gentleman from New York, (Mr. CLINTON) for his bloom of youth, and the fifteen or twenty years advantage he had, by being an infant at the commencement of the American war....How different was the treatment that the gentleman from New York and himself had experienced, from what had been practised towards others during that debate....Yesterday the hon. gentleman from Delaware, (Mr. WHITE) made Bonaparte the king of kings, and the gentleman from Tennessee, (Mr. COCKE) gave the gentleman from Jersey, and his friends, a rank among the *Gods*....I wish he had prevailed on that gentleman, while exercising his god-like attributes, like Jupiter of old, to have rained gold into our *treasury*, and not by endeavoring to foment unnecessary war, to drain it of its treasure. This would have given him a rank among patriots, greatly to be preferred to *his* rank among the Gods.

Mr. OLCOTT declared, that though he should vote for the original resolutions; he was as friendly and decidedly opposed to war, as any gentleman it that house. He should have remained silent, had it not been so frequently asserted, that war was the object of those who supported the original resolutions; and he rose to contradict that assertion, lest, by his silence, it might be supposed he acquiesced in the charge of a desire for war....against which he protested.

Gen. J. JACKSON (of Georgia) was surprised to hear gentlemen still contend that war is not implicated in the resolutions of the gentleman from Pennsylvania. Although he was well aware, that after so full a discussion, little could be said that was important, yet he hoped to be indulged in a very few observations, and he should be short in making them.

The best mode of examing the conduct of one nation towards another, where an injury has taken place, and satisfaction is required, is to resort to private life; for nations are sometimes neighbors as well as persons. The arguments of gentlemen, and the tenor of the resolutions, lead to taking possession of the island of New Orleans, prior to negociation, or peaceable steps to obtain redress....Nations are bound by moral ties, and those of justice, as well as individuals; let us take a case then from private life. The gentleman from New Hampshire, (Mr. OLCOTT) and himself, both lay claim to a house; the servants of that gentleman possess it; instead of seeking legal and proper means to establish the right claim, he

enters the house, beats out that gentleman's servants, takes possession of his furniture, and then tell him, " I am ready to come to an amicable settlement," or leave him to seek legal redresss !....Would justice, would moral obligation permit this?....Would our laws permit it? No, sir;....the law would turn the aggressor out, and place the original and right possessor in his former state, and then leave them to their proper course of redress. Should we not stand in taking possession of New Orleans, in the eyes of the world, precisely in the situation of the aggressor in private life? We should, sir, and as perfectly unjustifiable. We should rouse the jealousy of Europe, and involve ourselves in all probability in a war, the evils of which, or its extent, cannot be calculated. What, sir, was the consequence of the king of Prussia's taking possession of Silesia under a dormant claim, in the seven years war, without negociation? It involved Austria, Russia, France, England, and almost all the other nations of Europe in a bloody and expensive contest, from the evils of which some of those powers have never extricated themselves ; it loaded and fettered them with debt....and if we take the step proposed, we may, by rousing the jealousy of Europe, produce the same effect and the same consequences on ourselves.

An honorable gentleman near me, (Mr. Morris) was pleased to say, he was surprised to hear the anecdote quoted from count D'Estaing, that national honor was national interest. Yet, sir, after all the observations of the honorable gentleman, he has admitted it, and contradicted himself. For he, after painting Bonaparte in a variety of horrible shapes, as well as the nation he presides over, has declared the nation a noble one, whose interest is Bonaparte's honor, and his honor their glory....It makes no difference, sir, what this interest consists of....Bonaparte's glory weighs as interestedly with him as any other object possibly could, and the gentleman has said his glory must shine....he must conquer, or he is lost....is this then not his interest, and a most powerful interest....A corroboration of the assertion in the anecdote, sir, that national honor is national interest, has been fully admitted and proved by another gentleman from Delaware, (Mr. Wells)....he has expressly declared that the nations of Europe are only so long bound by treaty as they find it their interest !

What then, sir, is our interest? Is it to go to war ? To copy the old systems of Europe ; to involve ourselves in broils ; to fetter our country with debt ; to mortgage our posterity, and their funds ? Take a view of England and the consequence of

her continued wars ; a national debt of between five and six hundred millions, which she can never shake off but by the same means her neighbor, France, has adopted ; a total downfall to the existing government ; a revolution of principles ; and, perhaps, in the general wreck, the rise of an usurper. The time was, when he felt himself the zealous advocate of the French revolution, and the noble sentiments of that nation ; but that day had past....He much doubted the benefit France will ever receive from her revolution ; and much more, any advantage the nations of the earth will derive from it. That nation, sir, worked itself up, or was worked up, by the attempts of other nations, to divide her territory and enslave her, to such a pitch, as to overleap the mark, and plunged the people into a situation, much worse, in his opinion, than under the guidance of the Bourbons. Shall we proceed in this way ; involve ourselves in debt, and make it necessary to upset our government and constitution to get rid of it? He hoped, and trusted not. We have the happiest....the best....would he be permitted to say, the only constitution that secures national liberty, on earth! France has, it is true, what is called, a written constitution ; but, sir, is it binding?....It is changing daily....and we may venture to affirm, that the will of Bonaparte is the constitution of France. He did not wish to cast reflections on this or that nation....or this or that character.... Every nation has a right to seek its own happiness in her government, as she pleases ; but he hoped we should not copy them in their vices. He believed that no democratic republic but our own, exists, or can exist ; and no other form of government than ours, can secure such a republic. We have guards and securities, which no other government possesses, or ever possessed. Our general and state governments are checks on, and balance each other, and render innovation on our constitutions and happy form of government, very difficult, and under them, durable influence, usurpation, or tyranny, are impossible. Let us beware, then, how we take any steps which may tend to impair our constitution, and thereby destroy our rights. We are now the happiest people on earth, and if united, the force of Europe cannot injure us.

He must be permitted here to declare, that he understood the gentleman from Delaware, (Mr. White) as his friend from Tennessee, (Mr. Anderson) did, in his argument of that morning, as asserting that in case France got New Orleans, the southern and western people would be influenced by them. He was justified in noticing this circumstance, if

not by the observations of the gentleman from Delaware, by those which fell from the gentleman on his left, (Mr. Morris.) He has positively asserted, that if the French gained the Floridas, the affections of the Georgians toward the United States would be weakened; that they would be influenced by French principles, and that it would be found dictating the speeches on this floor....He spurned such an unworthy idea from him....His countrymen have too much attachment to this happy government....they know that their independence, their rights, their properties depend on it.... depend on union with their sister states, and no consideration on earth would induce them to attach themselves to any other power....The idea is absurd, therefore, that any gentleman representing Georgia, will ever shew by his speeches on this floor, any French or other foreign influence.

His friend from Tennessee, had spoken the truth respecting the western inhabitants. Those suspicions ought not to prevail....it is not politic, nor are they grounded. He could venture to go farther; he believed that the western states, at this day, contain more of the *soldiers of the revolution*, than all the Atlantic states together....they are peopled by them, and their descendants; they cannot be torn from the union....they will not be colonized by any nation on earth ....they are the same men, now, they were during the revolution; notwithstanding, after bearing the toils of the day of trial, and losing their all, they were compelled to quit their native states, and seek new lands beyond the mountains. Sir, they are attached to your happy constitution; they fought to obtain your independance; they are of the same habits, the same manners; they have the same love of liberty with their fellow citizens on the Atlantic states; and never will, unless driven from you, desert you.

What inducement have they to join any other nation? Will they fling themselves into the arms of France, in the state in which that nation now is, as he had before observed, with no other constitution, no other security, than the will of a Bonaparte, for their liberties....and leave their own happy constitutions and independence? No. Will they join what the gentleman from Delaware has termed the sluggish, inanimate Spaniard, and the slave of France, a nation, I acknowlege, however revered in the fifteenth century, in the reign of Charles V. now governed by superstition and bigotry, without a solitary spark of liberty within herself, and trammelled by another nation without? They will not. Will they return

to Britain, which, to do her justice, is the only nation of the old world where there is a vestige of freedom, *even in appearance*, remaining; but where, from her situation, loaded and fettered with debt, her posterity disposed of at market, and their rights and future revenues mortgaged....security of property or rights hang on the brink of revolution, and which must not long hence take place, as it already has in France, if the debt is not wiped off, at the risk of every thing....every article, every necessary of life almost, being already taxed to carry on her government, and on trying occasions, added to this, an income tax of ten per cent. on the whole profits of their estates? Will the people of Georgia, or the west, go to her, sir, in this predicament, and leave their own happy government, with, in comparison, little or no public debt, and that daily paying off, without those odious taxes....the whole being not much above seventy millions of dollars, whilst that of Britain is between five and six hundreds of millions of pounds sterling, and which at the best, their colonies must sooner or later pay part of? They will not go there, sir, they know the value of their own happy situation too well. Where then, will they go? To any of the other nations of Europe? No; they are incapable of protecting them. Russia is the only power which could make a show of protection; and are our western citizens prepared for the knout, or the wilds of Siberia? Sir, those fears are imaginary, they are groundless, they ought not to exist....the idea ought not to be started, the thing ought not to be mentioned. The citizens either of Georgia or the western states, cannot be torn from the union by the exertions, the intrigues, or the force of any power in existence.

But while we are told so much of Genet, and his insidious practices in our southern states, at this great distance from the executive, has no other power attempted to intrigue and draw the affections of your citizens from you, but France? Yes, sir, if masters are to be accountable for their servants, Britain has. He was, himself, notwithstanding all his predilection for the French nation, and the French revolution.... which he now almost regretted, for it has injured the cause they embarked in...he said, he was himself impressed with the impropriety of Mr. Genet's conduct, justified as it was by the precedent of our own ambassadors, during the revolutionary war....stirring up the people of Holland, and intriguing with all the governments of Europe, to induce a confederacy against Britain. This, sir, was thought right and justifiable *by us, at that day;* and we have therefore no right to censure

the French ambassador, for *following our steps*....and no doubt he, and his nation, deemed his proceedings as proper, as we thought ours.

Yes, sir, Britain did the same. Mr. Liston was concerned with Chisholm and others, in stirring up the south and south western citizens in the same manner. He alluded to Blount's conspiracy. A British frigate entered the ports of Georgia; her commander had his pocket full of commissions ....they were offered to citizens of that state, now alive to testify it. The object, sir, was to make a stroke at Spain, and through her, the United States....there was an intimate connection between that plan and the recent speculation,* which, thank God, has happily failed....the territory, the object of that speculation was to have been seized at that moment, and the United States involved in war; it was happily evaded. But how the leaders, Blount and others, escaped punishment, is best known to the Senate of the United States at that time in existence; no doubt satisfactory reasons appeared to them, which might not be deemed so by the citizens at large, who had no opportunity of judging correctly of them. As to the persons concerned in that speculation, it is but justice to say, some republicans were among them, but the majority, and a large one, were federalists. Why then are we told so much of Genet's intrigues, and nothing of Mr. Liston's? Their plans were the same; neither of them succeeded....and it is not in the power of the world to corrupt the citizens of the states for whom so much apprehension is expressed.

He must advance that the resolutions of the gentleman from Pennsylvania have in them the seeds of war, which it is our interest to avoid. Justice ought to mark our steps, as well to ourselves as to foreign nations. We have, he agreed with the gentlemen on the other side, a right to call for justice; we have been injured. He insisted again, that Spain had no power to withdraw the right of deposit at New Orleans. She was as much bound to perform her part of the compact in the treaty between us as a nation, as an individual is in private life to perform his. Nations ought to be influenced by the same moral ties....for although he admitted that national honor in many shapes consists in national interest, he did not carry his ideas so far as the gentleman from Delaware, to say, that treaties ought only to be binding so long as our interest led us to support them....this would destroy all faith

* The Yazoo speculation.

among the nations of the earth. Let us first negociate....the people will be unanimous with us....they will be pleased to see us try every peaceable method before a resort to arms....we shall be justified to the world, and avoid the jealousies of Europe. Having tried this without effect, if we shall be forced to war, whenever this shall happen, let the nation be which it may, we shall be actuated by one heart, one soul, one arm, and, he repeated it, that nation will find the American people will draw the sword and fling away the scabbard, until their rights are restored to them and redress is given for their wrongs.

The gentleman near him, (Mr. DAYTON) had triumphantly claimed the merits of both the resolutions of the gentleman from Pennsylvania, and those of his friend from Kentucky, (Mr. BRECKENRIDGE) as belonging to his side of the house, the latter having been produced, as he says, in consequence of the former, without which they would not have been thought of; and he has told us that he and his friends will vote for our resolutions, if they cannot carry their own. He was not anxious as to which quarter of the house the merit of the resolutions shall be attached. He had no objection to the gentleman and his friends taking all the merit, provided they will do as he says, vote for those produced by his friend from Kentucky, if they lose their own. Unanimity is all we want, and unanimity, he flattered himself, nay, was certain, from what has fallen from the gentleman, will take place on this occasion. This, sir, has been an auspicious discussion....it ought to be marked in the annals of united America.....it ought to be handed down to posterity, that the Senate of the United States, with the same views, but different means of obtaining them, having received an injury from a neighboring nation, unanimously determined to try every peaceable method to obtain satisfaction, and in case of failure of negociation for redress, to be prepared to assert the rights of the nation, and to resort to the last argument of politics, the *ultima ratio*. Our bond of union has been stiled by the politicians of Europe, a rope of sand; let them continue to deceive themselves....when such unanimity prevails, the deception is harmless. Our form of government, and individual ties, prove the deception; and we never ought to lose sight of an old revolutionary motto, on our *rattle snake money*, "UNITED WE STAND, DIVIDED WE FALL." We ought not only to be impressed with the truth of this ourselves, but we should imprint it on the minds of our youth, and thus hand it down to

posterity. My life for the event, as long as this impression is made, and this unanimity as to foreign aggression, prevails, there is no nation....no power....no tyrant....no despot, on earth, who will dare to violate your rights with impunity.

Mr. CLINTON. I should not presume at this late hour to trespass upon the exhausted patience of the Senate, were it not that a serious difference as to fact exists between the gentleman from Pennsylvania and myself....I call it serious, because it involves character....and I beg that what I now say may be distinctly remembered, on some future day, when time shall enable all who hear me to determine between us. In introducing the resolutions, the gentleman expressly stated that Spain had refused *to redress* her spoliations on our commerce ....Astonished at the hardihood of the assertion, I took the words down as they came from his lips. I thought it my duty to contradict them in the most pointed terms. Yesterday the gentleman came forward in another shape, and said that Spain *has made no provision* for the injuries sustained by our merchants, and that there is *no reason to believe* that provision in any respect adequate will be made. In this change of the terms of his former allegation, my colleague, in a mode quite variant from his general politeness, has backed him with the authority of *his* name. My much respected friend from Virginia, (Mr. NICHOLAS) has this day stated the essential circumstances of the affair, with perfect accuracy, and in conformity to my representation, and in opposition to the assertions and insinuations of the members from Pennsylvania and New York, I again declare that Spain *has not refused* to redress the spoliations committed upon our commerce....that, for those committed by her own subjects, she is now willing to give us the most ample satisfaction; and that we have every reason to believe, that cases of a different description will receive a friendly and equitable adjustment. With regard to outrages, said to have been committed upon the persons of our citizens, I stated that no official information was laid before us; that we could not act in the case, without having the facts which were to serve as a ground of action, authenticated; and that many of our citizens had justly exposed themselves to punishment, by pursuing an *illicit trade*. The gentleman has now brought forward a protest, taken before the American consul at Havannah. If my memory does not deceive me, this case was a subject of considerable discussion last summer in the newspapers of Philadelphia and New York. Mr. *Duplex*, the captain of the vessel, sailed, I believe, from the port of

New York, and was charged with being engaged in unlawful commerce. Whether this charge is true....whether this is the same case....and whether the outrages alledged, were really committed, I cannot undertake to decide; but I would advise the gentleman, instead of keeping this document any longer in his desk, to send it to the executive. An enquiry will be immediately instituted; and if our citizens have been really injured, Spain will make, and must make redress.

Since I am up, I will answer some of the principal arguments brought forward by the gentleman from Pennsylvania. This gentleman has certainly exhibited his cause in the strongest and fairest light of which it is susceptible....In paying him more than ordinary attention, I render him a tribute due to his ability; but in making this assertion, I do not not mean to depreciate the acknowleged talents of the other gentlemen who have spoken on the same side. The gentleman has honored me with peculiar notice, and has selected my observations as the objects of his most formidable attacks. I feel it, therefore, a duty due to civility, to return the compliment; and I also esteem it a duty due to myself, to repel some observations which he has endeavored to fasten upon me, and to defend those which I really brought forward, and which I still think have not been materially impaired by any thing said in opposition, during the course of this debate.

The case put by the honorable gentleman, of an invading enemy, shews that he has artfully confounded two things together, which are radically distinct....I mean an offensive and defensive war. All the observations which go to prove the necessity of previous negociation, apply only to offensive war. The paramount law of self preservation, demands that we should resist and repel an invading enemy. It is not necessary to pursue this remark any further. A little attention to the distinction will shew, that the honorable gentleman has not been able to weaken my argument in the least. While he has thus confounded distinct subjects together, he has the merit of another invention, which he has actively used to help himself and his friends out of a labyrinth of contradiction.... I allude to his application of a distinction between major and minor rights. It is to be wished that he had been more explicit on this subject; and had defined, with precision, what he meant by major rights. Are they rights essential to the existence of a nation? or do they extend further and include those cases which relate to its prosperity? If to the latter, are not national honor, free commerce, and unviolated territory,

essential ingredients of national prosperity? and have they not all been grossly trampled upon under former administrations, without an immediate resort to force? To prove this distinction of any importance, applied in either shape, it ought to be established, that a privation of the right of deposit, for nine months, or until the result of negociation can be known, will destroy our national existence, or essentially affect our national prosperity. I admit that a continued privation may have this effect, and am therefore willing, if it cannot be restored by negociation, to re-establish it by the sword. If there are any rights which can, with propriety, be denominated major, I should suppose that rights of territory, rights of embassy, and rights of commerce, will come under this description; and they have all been violated again and again, in the proud times, as they are called, of Washington and Adams. The whole Atlantic, as has been justly observed by my friend from Virginia, (Gen. MASON) has been blocked up against us. To issue from one of our ports or rivers, was almost certain capture. It was not a case affecting the Hudson, the Delaware, the Chesapeake, the Potomac, the Mississippi, or any one of the great outlets; but it applies to them all, and to the ocean, with which they communicated. Negociation was then the order of the day.

The gentleman from Pennsylvania differs from me respecting the conduct of the Romans, in going to war....I shall leave this question to be determined by those who have turned their attention to historical enquiries; and will only add, that to their religious attention to previous negociation, has been attributed in no inconsiderable degree, the greatness at which they arrived. Every Roman who fought, knew that he was fighting for an injured country; and he fought accordingly. The gentleman has not attempted to attack, directly, the forcible examples I produced from English history, but has endeavoured, indirectly, to impair their weight, by indicating cases wherein Great Britain had immediate recourse to violence. The instances which he has adduced, prove only that injustice and robbery have sometimes the sanction of governments. The case of the French vessels in 1756, which were carrying on innocent commerce under the faith of treaties, and under the protection of the law of nations, and which were seized without any declaration of war, was an act of highway robbery, that would have condemned a private individual to infamy or a gibbet, and that will fix a blot on the character of lord *Chatham*, which no time can wash away....

The French in their negociations for peace, made a compention for those vessels for a long time a *sine qua non*, and the refusal of Great Britain certainly protracted the war. The fortune of arms finally compelled France to give way; but this has not altered the character of the transaction....The voice of impartial posterity will class it among the depredations of brigands and pirates.

The gentleman has endeavored to extenuate the enormities of Great Britain, by a representation of the conduct of the French minister in this country, and the general sensibility excited in favor of our French revolution. With the conduct of any foreign minister here, Great Britain had nothing to do, unless that conduct was hostile to her interests, and sanctioned by our government. The sensibility in favor of France, at the commencement of the revolution, was not peculiar to this country....it existed in every enlightened part of the world, and flourished luxuriantly in England. It is true that the events of the revolution were sanguinary and disgraceful; but its principles being in favor of the establishment of a free government, was calculated to gain respect and approbation. With regard to the French minister, (GENET) his conduct was doubtless disagreeble to the President, and his recal was solicited. Our minister in France, (Mr. G. MORRIS) was equally disagreeable to the constituted authorities of that country, and his recal was also solicited. The former was charged with associating with *democrats and disorganisers;* the other with *royalists* and *aristocrats!* The one was said to aim at the overthrown of *our* administration; the other was charged with opposing the *principles of the revolution.* The one was blamed for visiting the halls of *democratic societies;* the other for loitering in the *regal chambers* of the Thuilleries. ....The one was inculpated as the minister and agent of *anarchy and confusion*....The other as the patron and advocate of *monarchy* and *privileged orders*....a composition was made, and it was agreed that *both* should be withdrawn.... But what effect could this possibly have on the temper or policy, or interest of the British court....The minister at Paris was perhaps as *beneficial* to *their* cause, as the minister at Philadelphia was *injurious;* and certainly they gained nothing by the *nominal recal.* The tone of Great Britain to this country was lowered, not by incidents of this kind, but by the events of Europe;....by the total frustration of the projects of the crowned heads, leagued together to destroy the sovereignty of the people; and Jay's treaty, bad and disgraceful as it was,

would never have been agreed to, or rather no treaty would have been made, with this country, had it not been for the defeat of the duke of York, before Dunkirk, and the subsequent disasters which befel the British arms. The gentleman indeed went out of his way, to tell us that a man of high talents was sent to Great Britain to negociate....that a treaty was formed....that it was opposed with great virulence, but finally adopted; and the gentleman continued to go out of his way, and to inform us, that the negociator was elected governor of New York, where he presided for a long time with great honor and advantage, and left behind him an example worthy of imitation!....I shall not, sir, speak of the negociator or of his negociations, in the terms I would do if he were present to defend himself; but since I am compelled in vindication of the state I represent, to say something, I may surely be permitted to observe, that the British treaty was neither honorable nor advantageous to this country;....that the negociator was ignorant of the growth of cotton in the United States, which is one of our most valuable exports;....that the list of contraband articles was most improperly extended;....that it was put in the power of Great Britain to say when provisions should be deemed contraband;....that the great and important principle to neutral commerce, *free ships free goods*, was abandoned;.... and generally, that reciprocity was in a great measure overlooked. Notwithstanding it was deemed good policy to ratify this pernicious instrument, it was not done without expunging one of its most degrading provisions. The councils of the country hesitated for a long time....although time has purged the visual ray of the gentleman, (Mr. Ross) and discovered to him great beauties in the treaty, yet at that period, I well recollect, for he was then first bursting into general notice, it was supposed that he was unfriendly to it; and that expediency alone exacted his assent. We know that Gen. Washington was prevailed upon by the circumstances of the times, to sign it, and that he elected it only as a *lesser evil than war*. The negociator was indeed elected governor of New York, but it was before the contents of the treaty were promulged....If they had been known, his chance of success would have been forlorn....At the subsequent election he was *withdrawn!* The odium attached to his conduct as a negociator, had been softened down by time, and it was in the year 1798, during the memorable reign of terror....when the minds of men were worked up to a state of phrenzy, and reason was ejected from her throne.... My excellent friend (*Chancellor* LIVINGSTON) as much superior

to him as Hyperion to a Satyr, was the candidate on the republican side. On the brink of our election the gossipping report of the famous triple ambassadors, who held conferences, not with the regular authorities of the country to which they were sent, but with the valets and understrappers of Talleyrand, reached this country. The wonderful discoveries they made were magnified by the political necromancy which at that time deluded the public mind....and it was industriously reported at our polls, that treasonable correspondence had been detected....that the leading characters of the opposition were engaged in an attempt to yield up this country to the domination of France....that their own letters were sent over to the United States, and that Mr. Livingston was amongst the most conspicuous of these traitors!....Judge of the effects which these hell-born calumnies were likely to have on a people jealous of their country's honor. Mr. Jay prevailed in his election, but when the intelligence and patriotism of the state were permitted to have a free and fair operation, his incompetency became notorious....he was found unqualified to hold the reins of state. The men of observation of his own party knew it, and lamented it....and he fell like Lucifer, never to rise again....He declined another election, because he had sagacity to perceive the working of the waters....He wisely retired from the contest, and avoided the fate which candidates of *greater temerity* in some of the *neighboring states* justly experienced.*

In order to shew that the Spanish aggressions were different from the present, and that our government pursued a different course, the gentleman has told us, that the treaty had not been executed, and that the government had directed a body of troops to fall down the Mississippi. I know that lieutenant Pope went down to the *Natchez*, with a detachment, certainly not large enough to take possession of that place, and to guard our commissioner, Mr. *Elliott*, in running the boundary line; but he certainly never went out of our territory, nor was he ever directed to strike at N. Orleans. The obligations of the treaty demanded and enforced its execution as strongly as they require the observance of all its provisions after it had been carried into operation....The breach of faith is the same ...the injury the same....the dishonor the same. Two years and upwards, by the gentleman's own admission, we were deprived of the right of deposit, in contravention of the trea-

* Mr. *Ross* was the unsuccessful candidate for the Pennsylvania governmental chair.

ty; and what did our government then do? Did the honorable gentlemen carry fire and sword into the territories of Spain? Did they then cry havoc, and let loose the dogs of war? No, no; they sent lieutenant Pope, and a lieutenant's command, down the Mississippi, with their swords sheathed, and their bayonets unfixed; all was then modest stillness and humility; the blast of war was not blown in our ears....nor did they stiffen the sinews, and summon up the blood.

Nor will it form any solid excuse for the then administration, as it respects France, to say with the honorable gentleman, that no essential right was invaded by that nation. Are not the rights of commerce and the rights of embassy, essential rights? and were they not vitally attacked and wounded? And if there was a strong party at that time opposed to war with France, there is a vast majority of the American people opposed to a rupture with Spain now. The administration, indeed, evinced at last, some disposition to retaliate the injuries which were heaped upon us; but they acted "as if willing to wound and yet afraid to strike." In the midst of their feeble attacks....warlike preparations....and vaunting rhodomontade, "the rock on which the storm might beat," gave way....a new triple embassy was sent....and the consequences are known to all who hear me. Away then with your empty declamation....with your hyperbolical rant about national honor and national rights!...You then drank the cup of humiliation to its very dregs!...You then suffered real wounds upon the honor of the country....and you bore it patiently....When you were smitten on one cheek you turned the other....and now, when a subordinate officer, distant from his country three thousand miles, and probably acting from his own impulse, interdicts a right to be enjoyed without our territories, you come forward and give us lectures upon national honor, and vaunt about taking up arms!

I now turn to my honorable colleague, and cannot refrain from congratulating my country for giving birth to so sublime an intellect....Scorning the restraint of common rules, he has started from them with brave disorder, and giving the wing to a lofty fancy, has ascended into the regions of conjecture far beyond the ken of human observation. He tells us all the world is under the dominion or the fear of Bonaparte.....that the states of Russia, Austria, Prussia and Great Britain are the only ones which have not entirely lost an independent character....but that even they have retired from the contest worsted and faint hearted...that the first Consul is conducted to the

gratification of an insatiable ambition by a more than common capacity....that Louisiana will enable him to establish that ascendancy in the western, which he has already acquired in the eastern hemisphere....and that unless the United States imitate the conduct ascribed by the hon. gentleman from Pennsylvania, to Washington, and place themselves between the nations of the earth and the destroyer, as he is said to have placed himself between the people and the pestilence, the balance of the great communities of mankind will be deranged.... and the world will be enthralled in the vortex of an all devouring, all destroying despotism....Sublime, sir, as these speculations may appear to the eyes of some, and high sounding as they may strike the ears of many, they do not affect me with any force. In the first place, I do not perceive how they bear upon the question before us....it merely refers to the seizure of New Orleans, not to the maintenance of the balance of power. Again....Of all characters, I think, that of a conquering nation least becomes the American people. What, sir, shall America go forth like another Don Quixotte to relieve distressed nations, and to rescue from the fangs of tyranny the powerful states of Britain, Spain, Austria, Italy, the Netherlands? Shall she, like another Phaeton, madly ascend the chariot of empire and spread desolation and horror over the world? Shall she attempt to restrain the career of a nation which my honorable colleague represents to have been irresistible, and which he declares has apalled the British lion and the imperial eagle of the house of Austria? Shall she wantonly court destruction and violate all the maxims of policy which ought to govern an infant and free republic? Let us, sir, never carry our arms into the territories of other nations, unless we are compelled to take them up in self defence. A pacific character is of all others most important for us to establish and maintain. With a sea coast of 2000 miles, indented with harbors, and lined with cities....with an extended commerce, and with a population of six millions only, how are we to set up for the avengers of nations? Can gravity itself restrain from laughter at the figure which my honorable colleague would wish us to make on the theatre of the world? He would put a fool's cap on our head and dress us up in the parti-colored robes of a Harlequin, for the nations of the earth to laugh at....and after all the puissant knights of the times have been worsted in the tournament, by the *Orlando Furioso* of France, we must then, forsooth, come forward and console them for their defeat by an exhibition of our follies. I look, sir, upon all the dangers we have heard

about the French possessions of Louisiana, as visionary and idle. Twenty years must roll over our heads before France can establish in that country a population of 200,000 souls.... What in the mean time will become of your southern and western states? Are they not advancing to greatness with a giant's stride? The western waters will then contain on their borders millions of free and hardy republicans, able to crush every daring invader of their rights. A formidable navy will spring from the bosom of the Atlantic states, ready to meet the maritime force of any nation....with such means, what will we have to fear from the arts or the arms of any power, however formidable? I cannot, sir, but admire the difference between the honorable gentleman from Pennsylvania and my honorable colleague, and how much the latter out-strips the former in the magnitude of his conceptions. The one advocates the resolutions to chastise an infraction of treaty....the other to maintain the balance of power....The one proposes to seize New Orleans; the other, New Orleans, the Floridas, and Louisiana....The one wishes to obtain and fortify the right of deposit; the other, to acquire an immense territory....The one is for vindicating the injuries of our western brethren; the other, rising on his muse of fire, is for avenging the wrongs of all mankind! However the honorable gentlemen may differ in other respects, they agree in professions of the warmest support of the executive, if the executive will follow their advice and pursue their plan. The honorable mover, carried away by the ardor of his feelings, has promised us, that he will play the orator....he will go among the people and stir up mens' blood. "Then he will talk, good gods how he will talk!"...and after the minds of men are excited to a proper pitch by his eloquence, he will then play the soldier....he will march with his countrymen to the tented field! Like another Cincinnatus, he will relinquish the sweets of domestic life; and like another Curtius, leap into the gulph to save his country! My honorable colleague will not, indeed, proceed so far; but he has kindly promised us the aid of his oratory and the benefit of his counsels, although he cannot afford us the strength of his arm....And they pledge not only their own services, but the co-operation of all their political friends in the glorious crusade! The well disciplined and well marshalled myrmidons, will follow their illustrious chief to victory or death.... All will be united in support of the administration....the disagreeable collisions that we now experience will be done away; and if we only admit their wooden horse within our walls, they

will retire from the seige, and leave us in quiet possession of the government! We thank the gentlemen for their kind proffers. We assure them that we will vindicate the honor of our country, but we will take our own time, and do it in our own way. We cannot consent to receive the dictation of the minority; and highly as we respect the wisdom of their sages, and the prowess of their warriors, we must dispense with them, if we cannot obtain them without the surrender of independence.

It is far from my disposition, sir, to insult over fallen men. Adversity is with me ever sacred, and I consider a great man struggling in the storms of fate, as a sight upon which the gods may look down with admiration. The two honorable gentlemen are soon to leave this house, and to retire into private life. One of them, my honorable colleague, has told us so more than once, or I should never have mentioned it. I sincerely wish them, in their retirement, all the happiness they can wish themselves. I hope that they will enjoy *otium cum dignitate;* but let me, sir, ask them, is it proper in them, at the time of their departure, to prescribe a course of action for those who are to follow them? Is it generous? Is it candid? Is is magnanimous in them to strew thorns and briars in the paths of their successors? To plant spring guns and man traps in their walks? To scuttle the ship they are about quitting; and to leave behind a dreadful legacy of death and destruction? I appeal to their own feelings, and to the feelings of every man who hears me, for an answer.

Mr. Ross thought he had given a very precise definition of major and minor rights; he considered the deprivation of the ordinary means of a country's subsistence, to be the deprivation of a major right; it was an essential right, and the definition was in point. This right has been cut off, and it was as much an aggression as if the whole means of subsistence of the union, instead of the western country, was involved. If then it was of this character, was it unreasonable? was it unjust? would it not rather be both just and reasonable to employ force to seize upon and repossess ourselves of a right of which we were unjustly deprived? Ought we not to seize and to hold, until our security was established against danger of all further encroachment. The gentleman from N. York, (Mr. Clinton) certainly misunderstood him on what related to the British treaty. He did say that when Genet was recalled, the British recalled their November orders, and the President then agreed to treat. He had been misconceived also in what regarded the troops; for government did certainly direct a large

body of troops to fall down the Mississippi ; not lieut. Pope's detachment, for he was long before on the Ohio ; but troops were ordered from Tennessee to move downward ; and had not the treaty been in consequence executed, and the line run, they would have executed it with the sword.

Mr. Morris said that it appeared to be discoverd that he had contemplated engaging the United States in the restoration of the balance of power in Europe. Wonderful discovery ! He had barely read an extract from the law of nations, which states, that the invasion of the rights of one nation, has a tendency to destroy the balance of power ; his desire extended no farther than the undertaking of a bold measure, which may save us from the danger of internal war. He had been charged with a want of politeness....he conceived that he had shewn both benevolence and politeness.

Mr. Ross. Gentlemen question what I assert as to the disposition of Spain to do our citizens justice. I did before say, and I do now say, that no man ever did, nor do I think any men ever will obtain justice for the injuries done by Spain.

Mr. Clinton. As to the gentleman's opinions, he may possess internal evidence, to him more convincing than even a knowlege of facts to the contrary; what he had first asserted, was, that Spain had shewn a disposition to do justice, nay, that so she had promised. The gentleman wishes to impress an opinion on the Senate, that Spain has refused to do us justice. Now, whatever internal evidence the gentleman may rely on, and however positive he may have been, or now be, I say that Spain has not refused.

The question being at length called for, on the motion of Mr. Breckenridge, for striking out the first section of the resolutions proposed by Mr. Ross, the Yeas and Nays were required, and taken as follows :

YEAS.

Messrs.	Anderson,	Messrs.	Jackson,
	Baldwin,		Logan,
	Breckenridge,		S. T. Mason,
	Bradley,		Nicholas,
	Clinton,		Stone,
	Cocke,		Sumpter,
	Ellery,		Wright.
	T. Foster,		——15.

NAYS.

Messrs.	Dayton,	Messrs.	Plumer,
	Hillhouse,		Ross,
	Howard,		Tracey,
	J. Mason,		Wells,
	Morris,		White.
	Olcott.		——11.

On the question for striking out the remaining parts of the resolutions, the question was also taken, and carried by the same votes on each side.

The question being then called for on the adoption of the amendments proposed by Mr. Breckenridge, the yeas and nays were called for, and the votes were as follows:

YEAS.

Messrs.	Anderson,	Messrs.	J. Mason,
	Baldwin,		S. T. Mason,
	Breckenridge,		Morris,
	Bradley,		Nicholas,
	Clinton,		Olcott,
	Cocke,		Plumer,
	Dayton,		Ross,
	Ellery,		Stone,
	T. Foster,		Sumpter,
	Hillhouse,		Tracy,
	Howard,		Wells,
	Jackson,		White,
	Logan,		Wright....26.

NAYS....None.

After the question was taken,

Mr. Hillhouse said he was opposed to the resolutions on a ground that he thought proper now to mention; the calling out of the militia of the eastern states, would be a very serious injury to them; he wished, as they were always well officered and disciplined, that they should not be called out; they were too distant. He hoped that in reporting the bill, some amendment would be made, so as to limit the portion of militia to be called out; he did not care whether the line was the Potomac or the North river.

Mr. WRIGHT. The gentleman from Connecticut was very liberal, so were all the gentlemen, of professions and zeal for the western people. We now see how far it extends ....it extends exactly to professions, and no more; for the gentleman tells you, he does not care whether the Potomac or the North river is to be the boundary, which means, in other words, do not call upon us people of Connecticut for any thing but our professions, you shall have them in abundance, and our prayers too; but as to our militia, they are so well officered and disciplined, that it would be cruel to call upon them to march south of the North river, or at farthest, the Potomac.

The resolutions were referred to Mr. BRECKENRIDGE, Gen. JACKSON, and Gen. SUMPTER, to bring in a bill or bills accordingly.

The house then adjourned.

FINIS.

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